

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Ex parte Gabriel Lee Baca v. The State of Texas

No. 07-26-00100-CR · No. 07-26-00100-CR · Decided April 30, 2026

SUMMARY

The Seventh Court of Appeals of Texas dismissed the State’s appeal for want of jurisdiction after the trial court vacated the order granting Gabriel Lee Baca habeas corpus relief. The court held that, regardless of whether the trial court retained plenary authority to issue or vacate the relevant orders, no live controversy remained concerning the vacated February 18, 2026 order.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Per Curiam; DOSS, J.; YARBROUGH, J.; PRATT, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	April 30, 2026
DOCKET	07-26-00100-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	The State appealed from the trial court's February 18, 2026 order granting Baca's article 11.072 application for habeas corpus relief. While the appeal was pending, the trial court vacated that order and reinstated an earlier order denying the application as frivolous.
STANDARD OF REVIEW	The court addressed jurisdiction and mootness rather than reviewing the merits of the habeas ruling.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; the opinion states, "Do not publish."
PARTIES	The State of Texas v. Gabriel Lee Baca

TOPICS

- mootness
- appellate jurisdiction
- state post-conviction relief
- appellate procedure
- habeas corpus

PRACTICE AREAS

- state post-conviction relief
- criminal procedure
- appellate jurisdiction
- mootness

QUESTIONS PRESENTED

1. Whether the State's appeal from the trial court's February 18, 2026 order granting habeas relief remained justiciable after the trial court vacated that order.
2. Whether the court of appeals had jurisdiction to consider the State's appeal when no live controversy remained regarding the vacated order.

HOLDINGS

1. The State's appeal was moot because the trial court vacated the February 18 order granting habeas relief, leaving no live controversy concerning that order.
2. The court of appeals lacked jurisdiction to consider the moot appeal and was required to dismiss it for want of jurisdiction.

KEY QUOTATIONS

“In either event, there is no live controversy regarding the February 18 order from which the State appeals.”
(3)

“The courts of appeals are without jurisdiction to entertain an appeal wherein all issues are moot.” (3)

FACTUAL BACKGROUND

In 2017, Gabriel Lee Baca was placed on deferred adjudication community supervision for two counts of sexual assault of a child and was required to register as a sex offender. Although he was discharged from community supervision in 2025, the lifetime registration requirement remained in effect. After Baca filed an article 11.072 application challenging the requirement, the trial court entered conflicting orders, including an order granting relief that it later vacated.

PROCEDURAL HISTORY

Baca was placed on deferred adjudication community supervision in 2017 and remained subject to lifetime sex-offender registration after his discharge in 2025. He filed an article 11.072 habeas application challenging the registration requirement. The trial court first denied the application as frivolous, then granted relief and vacated the deferred adjudication and registration requirement, and finally vacated the grant of relief as mistakenly signed and reinstated the denial. The State appealed the vacated grant of relief, and the court of appeals dismissed that appeal as moot for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- State v. Aguilera, 165 S.W.3d 695, 697–98 (Tex. Crim. App. 2005)
- Ex parte Ali, Nos. 03-10-00206-CR, 03-10-00207-CR, 2010 Tex. App. LEXIS 10018, at *6 (Tex. App.—Austin Dec. 16, 2010, no pet.) (mem. op., not designated for publication)

- Mosley v. State, Nos. 01-08-00503-CR, 01-08-00504-CR, 2009 Tex. App. LEXIS 2107, at *2 (Tex. App.—Houston [1st Dist.] Mar. 26, 2009, no pet.) (per curiam) (mem. op., not designated for publication)
- State v. Curl, 28 S.W.3d 838, 841 (Tex. App.—Corpus Christi–Edinburg 2000, no pet.) (en banc)

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