

FILED

APR 24 1990

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 0-126 / 89-343

KEVIN EMMETT WATTS, a/k/a SAMUEL JAMES MONTORY, a/k/a EMMITT
KEVIN WATTS,

Plaintiff-Appellant,

220

vs.

STATE OF IOWA,

Defendant-Appellee.

Appeal from the Iowa District Court for Jones County,
August F. Honsell, Jr., Judge.

Appellant appeals the trial court's refusal to issue a
writ of habeas corpus. **APPEAL DISMISSED.**

Philip B. Mears of Mears, Zimmerman & Mears, Iowa City,
for plaintiff-appellant.

Thomas J. Miller, Attorney General, Julie A. Halligan,
Assistant Attorney General, and Connie Sue Ricklefs, County
Attorney, for defendant-appellee.

Considered by Donielson, P.J., and Hayden and Sackett,
JJ.

SACKETT, J.

Appellant Kevin Emmett Watts challenges the trial court's denial of his petition for writ of habeas corpus following Governor Branstad's December 5, 1988, execution of a warrant ordering Watts's extradition to Texas. On February 21, 1989, following denial of Watts's petition for writ of habeas corpus and the denial of his application for stay of extradition, Watts was delivered to Texas.

The State argues because Watts has now been extradited to Texas, the issues before us are moot. The State also argues the issues raised by Watts present no issues of substantial public interest and need not be addressed. We agree.

Watts is in Texas. For Iowa to have jurisdiction to order that a writ of habeas corpus issue, it is necessary that the person for whom the writ is sought be in Iowa. Therefore, the judgment requested here would have no practical effect. The issue is moot. See Women Aware v. Reagen, 331 N.W.2d 88, 92 (Iowa 1983); State v. Beyer, 258 N.W.2d 353, 355 (Iowa 1977); State ex rel. Turner v. Buechele, 236 N.W.2d 322, 324 (Iowa 1975). Courts generally do not consider an action if it no longer presents a justiciable controversy. Iowa Freedom of Information Council v. Wifvat, 328 N.W.2d 920, 922 (Iowa 1983). We do not find the issue one of public importance or the problem one likely to reoccur. See Rodine v. Zoning Bd. of Adjustment, 434 N.W.2d 124, 125 (Iowa App. 1988).

APPEAL DISMISSED.