Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

ATTORNEY FOR APPELLANT:

DAVID A. LEWIS
Jeffersonville, Indiana

ATTORNEYS FOR APPELLANT:

GREGORY F. ZOELLER
Attorney General of Indiana

ELLEN H. MEILAENDER
Deputy Attorney General
Indianapolis, Indiana

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IN THE
COURT OF APPEALS OF INDIANA

LEWIS C. WOODWARD,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 10A01-1008-CR-396
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE CLARK SUPERIOR COURT
The Honorable Joseph P. Weber, Judge
Cause No. 10D03-0807-FD-634

February 7, 2011

MEMORANDUM DECISION – NOT FOR PUBLICATION

BAKER, Judge

On July 10, 2008, the State charged appellant-defendant Lewis C. Woodward with class D felony sexual battery, class D felony residential entry, and class B misdemeanor public intoxication. Woodward, who was a seventy-five-year-old man suffering from moderate to severe Alzheimer's Disease, requested an evaluation to determine his competency to stand trial. The experts who evaluated Woodward unanimously concluded that he was incompetent to stand trial and would never regain competency, and the trial court made a finding to that same effect.

Woodward's counsel filed a motion to dismiss the charges. The trial court indicated that it wished to grant the motion but believed it was compelled to deny based on our Supreme Court's precedent. Woodward appealed the denial of the motion.

After the appellant's and appellee's briefs were filed herein, Woodward died. Appellate counsel states in the reply brief that even though Woodward's death renders the appeal moot, we should resolve the issue for the sake of Woodward's reputation.

Because Woodward was found incompetent to stand trial, however, he was never convicted of the charges. Inasmuch as the presumption of innocence still attaches to Woodward, his reputation is not at stake and we decline to address the issues herein.

Appeal dismissed.

VAIDIK, J., and BARNES, J., concur.