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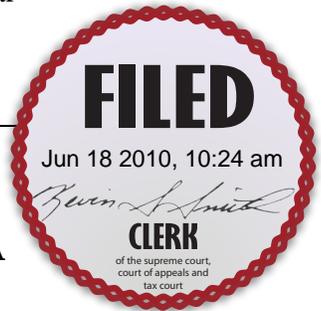
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**IN THE
COURT OF APPEALS OF INDIANA**

MARK TAYLOR,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 49A04-0908-CR-486

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Kimberly Brown, Judge
Cause No. 49G16-0902-CM-024191

June 18, 2010

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Mark Taylor (“Taylor”) appeals from Marion Superior Court following the revocation of his probation. While Taylor raises one issue for review, the State raises an issue on appeal that we find to be dispositive. The State argues that the issue of Taylor’s sentencing is moot because any sentence he served or could have potentially served would have been completed by the present time.

Concluding that the issue presented is moot, we dismiss.

Facts and Procedural History

On July 28, 2009, Taylor appeared before the trial court for violations of his probation in two separate cases. Taylor and the State agreed in open court that Taylor would admit to the violations, that his probation would be revoked, and that he would serve 317 days on home detention. The trial court placed Taylor under oath and accepted his admission to the probation violations. The trial court then took the matter under advisement to determine whether Taylor qualified for home detention.

On August 4, 2009, the trial court determined that home detention was not an appropriate placement for Taylor. Then, based on Taylor’s July 28 admission, the trial court revoked his probation and unilaterally imposed a sentence of 120 days executed with ten days credit.¹ Taylor now appeals.

Discussion and Decision

The State acknowledges that the trial court abused its discretion when it did not impose the agreed-upon sentence and placement. Appellant’s Br. at 5. However, the State argues that the issue of Taylor’s probation revocation agreement is moot because

¹ Even without good time credit, Taylor would have been released prior to the conclusion of this appeal. Additionally, Taylor was scheduled to be discharged from probation on January 15, 2010.

any sentence he served or could have potentially served would have been completed by the present time.

When we cannot provide relief upon an issue, the issue is deemed moot, and we will not reverse the trial court's determination "where absolutely no change in the status quo will result." Jones v. State, 847 N.E.2d 190, 200 (Ind. Ct. App. 2006) (quoting In re Utley, 565 N.E.2d 1152, 1154 (Ind. Ct. App. 1991)). Once the "sentence has been served, the issue of the validity of the sentence is rendered moot." Lee v. State, 816 N.E.2d 35, 40 (Ind. 2004) (citing Irwin v. State, 744 N.E.2d 565, 568 (Ind. Ct. App. 2001)). Because Taylor completed his sentence, any issue regarding that sentence is moot.

We believe that a defendant should be allowed to rescind an admission if it is clearly based on a particular placement and that placement is determined to be unavailable. However, as Taylor has completed his sentence, any sentencing issues are now moot.

We therefore dismiss this case as moot.

RILEY, J., and BRADFORD, J., concur.