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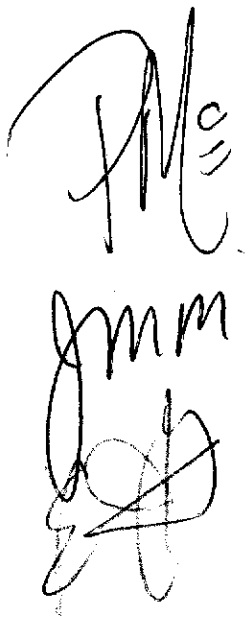
STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2007 KJ 2274

STATE OF LOUISIANA IN THE INTEREST OF T.S.

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Judgment Rendered: June 6, 2008

On Appeal from the Juvenile Court
In and For the Parish of East Baton Rouge
State of Louisiana
Docket No. 90594

Honorable Kathleen Stewart Richey, Judge Presiding

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T.S.

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Louisiana Department of Public
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BEFORE: GAIDRY, McDONALD, AND McCLENDON, JJ.

McCLENDON, J.

T.S., a juvenile, was alleged to be a delinquent in a petition filed pursuant to the Children's Code, based on the alleged illegal possession of a firearm by a juvenile, a violation of LSA-R.S. 14:95.8.¹ A separate petition also alleged T.S.'s involvement as a principal in the delinquent acts of attempted first degree murder, a violation of LSA-R.S. 14:30 and 14:27, and attempted armed robbery, a violation of LSA-R.S. 14:64 and 14:27.² On February 28, 2007, at an adjudication hearing, T.S. admitted the allegation contained in the petition alleging illegal possession of a firearm by a juvenile and was adjudged to be a delinquent based on said act.³ On April 27, 2007, at a disposition hearing, the juvenile court ordered that imposition of disposition be deferred for a period of one year. T.S. was placed on supervised probation for one year pending final disposition. Thereafter, on May 11, 2007, the juvenile court ordered that T.S. serve a period of thirty days in a secure detention facility for violating the conditions of his probation. On May 30, 2007, counsel for T.S. filed a "Motion for Modification" requesting that the juvenile court revoke the child's probation and impose the previously deferred disposition. Counsel further requested that "the suspended sentence" be executed and T.S. be given credit for time served.⁴ On June 8, 2007, following a disposition hearing, the juvenile court vacated the judgment deferring the disposition and ordered that T.S. serve

¹ This matter was designated in the juvenile court as petition number 90594, filed January 17, 2007. The delinquent act was alleged to have occurred on June 8, 2005.

² This matter was designated in the juvenile court as petition number 90664, filed January 31, 2007. The delinquent acts were alleged to have occurred on January 1, 2007.

³ In his brief, T.S. states that, pursuant to a plea agreement on this date, the state agreed to defer adjudication of petition number 90664. The record is devoid of any evidence of said plea agreement and/or the final disposition of petition number 90664.

⁴ Because the imposition of disposition had been deferred, it is unclear what "suspended sentence" counsel desired to have executed.

six months in the custody of the Department of Public Safety and Corrections, Office of Youth Development. Later, in response to a “Motion to Reconsider Sentence,” the juvenile court ordered that T.S. receive credit for the time he served in custody following his May 10, 2007 probation violation. The court denied the request for credit for time served from January 5, 2007, the date of the initial arrest (on unrelated charges), to February 7, 2007, the date T.S. was released on bond. T.S. now appeals. He asserts a single assignment of error challenging the juvenile court’s failure to afford him credit for all of the time he spent in custody prior to the final disposition in this case. Finding the question of credit for time served to be moot, we affirm the adjudication and disposition.

FACTS

Because T.S. admitted to the allegations in the petition, the facts of the underlying offense were never fully developed on the record.

DISCUSSION

The sole issue in this appeal is whether or not it was error for the juvenile court to refuse to give T.S. credit for the time he served following his arrest on unrelated charges. Citing Louisiana Children’s Code articles 900 and 915, T.S. asserts that he is entitled to credit for any time served in a secure detention facility prior to his disposition. Despite the fact that the instant disposition was for illegal possession of a handgun by a juvenile (a delinquent act unrelated to his January 5, 2007 arrest) and the fact that he was already in custody when the state filed the instant petition, T.S. argues he is still entitled to credit for any and all time spent in custody prior to the instant disposition. Thus, he asserts, the trial court erred in failing to allow him credit for the time he served in the secured detention facility from January 5, 2007 to February 7, 2007. He notes that if he had been afforded

all of the credit for time served he was entitled to receive, his final disposition would have been reduced by 60 days, requiring him to serve only four months in detention after the disposition. In response, the state asserts the issue raised in this appeal is moot.

The documentation contained in the record reflects that the final disposition (six months) was imposed on June 8, 2007. At a hearing on the issue of credit for time served, the juvenile court (allowing credit from May 10, 2007) noted that T.S.'s release date on this disposition was November 8, 2007. An official time computation by the Office of Youth Development also lists the child's discharge date as November 8, 2007. Thus, as the state correctly asserts, T.S. has already served his disposition and has been released from detention on this disposition, thereby rendering the question of credit for time served moot.⁵ It is well settled that the function of the appellate courts is to render judgments that can be made effective and not to give opinions on moot questions or abstract propositions. **State ex rel. Jones v. Slater**, 205 La. 1077, 18 So.2d 627, 628 (1944). Accordingly, the issue raised on appeal is moot and will not be considered.

For the foregoing reasons, the adjudication and disposition are affirmed.

ADJUDICATION AND DISPOSITION AFFIRMED.

⁵ On April 23, 2008, counsel for T.S. filed correspondence with this court confirming that T.S. has been released from custody and conceding that the issue raised in this appeal is moot.