

**IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA**

**Z.M.M.,**

**Appellant,**

**-vs.-**

**STATE OF OKLAHOMA,**

**Appellee.**

**No. J-2015-930**

**FILED**  
**IN COURT OF CRIMINAL APPEALS**  
**STATE OF OKLAHOMA**

**FEB 19 2016**

**MICHAEL S. RICHIE**  
**CLERK**

**ORDER DISMISSING APPEAL AS MOOT**

Following a non-jury trial in the District Court of Cleveland County, Case No. CF-2013-601, the Honorable Lori Walkley, District Judge, found Appellant guilty of two (2) counts of Rape in the First Degree and seven (7) counts of Lewd Acts with a Child under 16. On November 24, 2014, Judge Walkley sentenced Appellant as a youthful offender, and on each count, imposed a concurrent term of twenty-five (25) years imprisonment. On October 15, 2015, Judge Walkley sustained a motion by the State that asked to transfer Appellant's custody to the Oklahoma Department of Corrections. (O.R. 170.) By Petition in Error filed on November 2, 2015, Appellant, through counsel, Robert W. Jackson of the Oklahoma Indigent Defense System, brought this appeal from the order transferring custody,

Appellant's appeal was automatically assigned to this Court's Accelerated Docket, and on December 14, 2015, counsel timely filed Appellant's Application for Accelerated Docket (Fast Track Brief). Appellant's Application raised a single proposition of error:

The trial court erred in issuing a Judgment and Sentence that did not provide Appellant with credit for the time he served in the custody of the Office of Juvenile Affairs.

(Br. of Appellant at 2.)

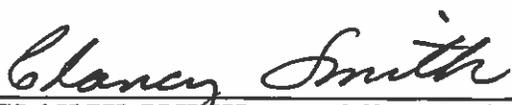
On December 23, 2015, Appellee, through Rebecca Brink, Assistant District Attorney, filed a Response to Appellant's Application and the above proposition of error. The Response conceded that the Judgment and Sentence should properly reflect credit for that time Appellant served in the custody of the Office of Juvenile Affairs. In that regard, Appellee submitted with its Response a certified copy of an Amended Judgment and Sentence. That document, filed in the District Court on December 23, 2015, declared Appellant was allowed this credit. Because Appellee believed these circumstances rendered Appellant's appeal moot, it suggested dismissal of this appeal.

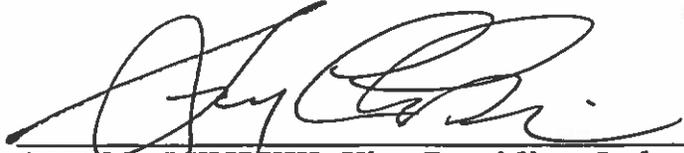
It appearing that Appellant's sole error on appeal had been rectified, this Court, on January 13, 2016, issued an Order striking oral argument and directing that Appellant show cause, if any there be, why this proceeding should not be dismissed as moot. The Order directed Appellant's response be filed within twenty (20) days, but advised that no response would be necessary if Appellant agreed or conceded that dismissal was appropriate. This twenty (20) day period has now lapsed without a response or other objection to dismissal being filed.

**IT IS THEREFORE THE ORDER OF THIS COURT** that as Appellant's appeal has been shown moot, it is **DISMISSED**. Issuance of this order concludes these proceedings before this Court. The Clerk of this Court shall transmit a copy of this order to the Clerk of the District Court.

**IT IS SO ORDERED.**

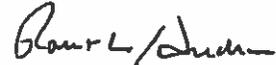
**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this 19<sup>th</sup> day of February, 2016.

  
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**CLANCY SMITH, Presiding Judge**

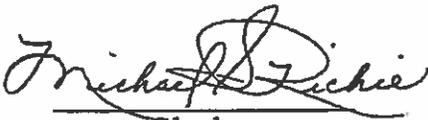
  
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**GARY L. LUMPKIN, Vice Presiding Judge**

  
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**ARLENE JOHNSON, Judge**

  
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**DAVID B. LEWIS, Judge**

  
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**ROBERT L. HUDSON, Judge**

ATTEST:

  
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Clerk

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