

NOTICE  
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2011 IL App (4th) 100649-U

Filed 11/29/11

NO. 4-10-0649

IN THE APPELLATE COURT  
OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Champaign County
JOSEPH L. HAIRSTON,	)	No. 09CF2133
Defendant-Appellant.	)	
	)	Honorable
	)	Thomas J. Difanis,
	)	Judge Presiding.

JUSTICE APPLETON delivered the judgment of the court.  
Justices Pope and McCullough concurred in the judgment.

**ORDER**

¶ 1 *Held:* Defendant's successful completion of the impact incarceration program makes this appeal moot, in which he challenges his seven-year prison sentence as being too severe—a sentence that was reduced to time served by virtue of his completion of the program.

¶ 2 The trial court sentenced defendant, Joseph L. Hairston, to seven years' imprisonment for burglary (720 ILCS 5/19-1(a) (West 2008)), with credit for the 131 days he had spent in presentence custody. Defendant appeals, arguing that the sentence is too severe. We do not reach that argument, because it appears that defendant completed a program of impact incarceration and that, consequently, the seven-year prison term was reduced to time served. Given the impossibility of reducing a seven-year prison term that no longer exists, we dismiss this appeal as moot.

¶ 3 I. BACKGROUND

¶ 4 On April 26, 2010, the same day it entered the sentencing order, the trial court

approved defendant for placement in the impact incarceration program, and defendant signed a consent to participate in the program. The "Impact Incarceration Sentencing Order" states: "If the Department [of Corrections] accepts the defendant in the impact incarceration program and the Department determines that the defendant has successfully completed the impact incarceration program, the sentence of this Court shall be reduced to time considered served upon certification to the Court by Department of Corrections that the defendant has successfully completed the impact incarceration program." See 730 ILCS 5/5-8-1.1(a) (West 2008) ("Notwithstanding the sentencing provisions of this Code, the sentencing order also shall provide that if the Department accepts the offender in the program and determines that the offender has successfully completed the impact incarceration program, the sentence shall be reduced to time considered served upon certification to the court by the Department that the offender has successfully completed the program.").

¶ 5 On June 14, 2010, the Department of Corrections (DOC) notified the trial court that defendant was accepted into the impact incarceration program on May 24, 2010.

¶ 6 Evidently, defendant successfully completed the impact incarceration program, because according to an "Internet Inmate Status" from DOC, included in the appendix to the State's brief, defendant was "paroled" on September 22, 2010—about 120 days after the date of his acceptance into the program (May 24, 2010). See 730 ILCS 5/5-8-1.1(f) (West 2008) ("Participation in the impact incarceration program shall be for a period of 120 to 180 days.").

¶ 7 Defendant still had to serve two years of mandatory supervised release (MSR) after completing the impact incarceration program (thus the reference to his being "paroled"). See 730 ILCS 5/5-8-1.1(g) (West 2008); 720 ILCS 5/19-1(b) (West 2008); 730 ILCS 5/5-8-1(d)(2) (West 2008). Apparently, he violated a condition of his MSR, because according to the "Internet Inmate

Status," he was admitted into DOC again on November 23, 2010, with a projected discharge date of October 19, 2011. See 730 ILCS 5/3-3-9(a)(3)(i)(B) (West 2008) ("[F]or those subject to mandatory supervised release \*\*\*, the recommitment [for violating a condition of MSR] shall be for the total mandatory supervised release term, less the time elapsed between the release of the person and the commission of the violation for which mandatory supervised release is revoked.")

¶ 8 Defendant no longer is listed as an inmate on DOC's web site. See *Ashley v. Pierson*, 339 Ill. App. 3d 733, 739-40 (2003) (taking judicial notice of DOC's web site).

¶ 9 II. ANALYSIS

¶ 10 "When intervening events preclude a reviewing court from granting effective relief, an appeal is rendered moot." *People v. Coupland*, 387 Ill. App. 3d 774, 777 (2008). In this case, an intervening event, *i.e.*, defendant's evidently successful completion of the impact incarceration program, precludes us from granting effective relief from his sentence of seven years' imprisonment, because that sentence was reduced to time served by virtue of his completion of the program. See 730 ILCS 5/5-8-1.1(a) (West 2008).

¶ 11 III. CONCLUSION

¶ 12 For the foregoing reasons, we dismiss this appeal as moot. As part of our judgment, we award the State \$50 against defendant as costs.

¶ 13 Appeal dismissed.