



case No. 2011-CF-120. In March 2011, the State added a second count, theft with a prior burglary conviction (count II) (720 ILCS 5/16-1(a)(1)(A) (West 2010)). Defendant pleaded guilty to count II in exchange for the State's agreement to dismiss count I. On March 15, 2011, defendant was released from custody on bond. In May 2011, the trial court sentenced defendant to 30 months of probation and awarded him 55 days of sentence credit for time served.

¶ 5 In January 2013, while on probation in case No. 2011-CF-120, defendant was arrested and charged with retail theft in Vermilion County case No. 2013-CF-19. He was released on bond in March 2013.

¶ 6 On August 28, 2013, with several months of probation remaining in case No. 2011-CF-120, defendant was arrested and charged with theft in Vermilion County case No. 2013-CF-452. On October 21, 2013, while defendant was still in custody in Vermilion County due to case No. 2013-CF-452, the State filed a petition to revoke defendant's probation in case No. 2011-CF-120. An arrest warrant was issued the same day. The record fails to affirmatively demonstrate Champaign County knew defendant was in custody in Vermilion County at the time of issuance of the arrest warrant.

¶ 7 On January 8, 2014, defendant was released from custody on bond in case No. 2013-CF-452 but was not served with the arrest warrant in case No. 2011-CF-120. Three days later, on January 11, 2014, defendant was again arrested and subsequently charged with criminal damage to property in Vermilion County case No. 2014-CM-22. The record indicates this was the first time Vermilion County informed Champaign County defendant was in its custody. Defendant remained in custody in Vermilion County until March 21, 2014.

¶ 8 On March 21, 2014, defendant pleaded guilty to the charges in case Nos. 2013-CF-19 and 2014-CM-22, and the State dismissed the charge in case No. 2013-CF-452. The same

day, a Champaign County sheriff's officer served the arrest warrant in case No. 2011-CF-120 on defendant in the Vermilion County jail, placed him in custody, and transported him to Champaign County. The trial court revoked defendant's probation on March 31, 2014.

¶ 9 Defendant remained in custody in Champaign County until May 14, 2014, when the trial court resentenced him to six years' imprisonment and one year of mandatory supervised release (MSR). The court awarded defendant 178 days of credit for time served. The sentence credit consisted of (1) the 55 days defendant spent in custody from the date of the initial arrest in case No. 2011-CF-120 (January 20, 2011) to the date defendant posted bond (March 15, 2011) and (2) the 123 days he spent in custody from the date of arrest in case No. 2014-CM-22 (January 11, 2014) to the date of resentencing in case No. 2011-CF-120 (May 14, 2014).

¶ 10 In June 2014, defendant filed a motion for order *nunc pro tunc*, in which he sought 80 additional days of sentence credit for time served for the period beginning October 21, 2013 (date of issuance of arrest warrant in case No. 2011-CF-120), and ending January 8, 2014 (date of release from custody in case No. 2013-CF-452). The trial court denied defendant's motion. The same day as the denial, an email conversation was filed in which the trial court's clerk was told Vermilion County did not inform Champaign County defendant was in their custody until January 11, 2014. Thus, the message concluded, Champaign County "did not have a hold on [defendant]" from October 21, 2013, to January 8, 2014. Accordingly, the court determined "[a] review of the records of the Champaign County Correctional Center" indicated 178 days of credit was the correct amount.

¶ 11 In August 2014, this court allowed defendant's *pro se* motion for leave to file a late notice of appeal. However, none of the issues raised on appeal are relevant to the current motion for leave to withdraw. See *People v. Washington*, 2016 IL App (4th) 140688-U.

¶ 12 In October 2015 and March 2016, defendant filed a second and third motion for order *nunc pro tunc*. The trial court refused to consider the motions because defendant's appeal was still pending at the time.

¶ 13 Following this court's unpublished order in defendant's appeal, defendant filed a fourth motion for order *nunc pro tunc* in July 2016. This time, defendant alleged he was entitled to 78 days of additional sentence credit for time served. In the motion, defendant explained he was in custody in Vermilion County at the time the arrest warrant in case No. 2011-CF-120 was issued and that he remained in custody until January 8, 2014. The trial court again denied defendant's motion, stating defendant already received the correct amount of credit.

¶ 14 Defendant appealed the denial of his fourth motion for order *nunc pro tunc*, and OSAD was appointed to represent defendant on appeal. In July 2018, OSAD filed a motion for leave to withdraw as counsel on appeal. On its own motion, this court granted defendant leave to respond to OSAD's motion on or before September 4, 2018. Defendant did not do so. After examining the record, we grant OSAD's motion and affirm the trial court's decision.

¶ 15 II. ANALYSIS

¶ 16 OSAD contends it can make no colorable argument defendant is entitled to additional sentence credit. Specifically, OSAD asserts defendant's claim for additional sentence credit is moot because defendant has served his entire sentence.

¶ 17 Generally, a court of review should refrain from deciding issues that are moot. *Marion Hospital Corp. v. Illinois Health Facilities Planning Board*, 201 Ill. 2d 465, 471 (2002). "A case is moot if the issues involved in the trial court have ceased to exist because intervening events have made it impossible for the reviewing court to grant effectual relief to the

complaining party.” *People v. Roberson*, 212 Ill. 2d 430, 435 (2004). Thus, a claim for additional sentence credit is moot when a defendant has completed serving his sentence. *Id.*

¶ 18 Here, defendant is no longer listed on the Illinois Department of Correction’s (IDOC) website. See Washington, William, Illinois Department of Corrections: Offender Search, <https://www.illinois.gov/idoc/offender/pages/inmatesearch.aspx> (last visited Dec. 6, 2018).

OSAD explains, through correspondence with IDOC’s legal counsel, that defendant completed his prison sentence on November 16, 2016, and completed MSR on July 13, 2017. Thus, there is no way to provide defendant any additional sentence credit as defendant has completed serving his entire sentence. Because no effectual relief can be granted, we conclude this appeal is moot.

¶ 19 Accordingly, we grant OSAD’s motion to withdraw as counsel.

¶ 20 III. CONCLUSION

¶ 21 For the reasons stated, we grant OSAD’s motion for leave to withdraw as counsel and affirm the trial court’s judgment.

¶ 22 Affirmed.