

NOT DESIGNATED FOR PUBLICATION

No. 114,217

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

ERIC E. BROWN, SR.,
Appellant.

MEMORANDUM OPINION

Appeal from Sedgwick District Court; DOUGLAS R. ROTH, judge. Opinion filed July 15, 2016.
Appeal dismissed.

Sam Schirer, of Kansas Appellate Defender Office, for appellant.

Lesley A. Isherwood, assistant district attorney, *Marc Bennett*, district attorney, and *Derek Schmidt*, attorney general, for appellee.

Before MCANANY, P.J., HILL and BRUNS, JJ.

Per Curiam: We dismiss as moot this appeal by Eric E. Brown, Sr., of the district court's order denying his request for jail time credit.

In April 2014, the district court sentenced Brown to serve 11 months' imprisonment and 12 months' postrelease supervision. The docketing statement submitted by Brown's appellate attorney states that Brown is not incarcerated. The only issue on appeal is whether the court erred in denying his motion for jail time credit.

Brown's appeal is moot because there is nothing against which this court could apply any jail credit. Brown has served the confinement portion of his sentence. Even if this court were to find that Brown was entitled to additional jail credit, we could not apply that credit to any unserved time on postrelease supervision. See *State v. Gaudina*, 284 Kan. 354, Syl. ¶ 1, 160 P.3d 854 (2007).

Appeal dismissed.