

RENDERED: October 30, 1998; 2:00 p.m.
NOT TO BE PUBLISHED

Commonwealth Of Kentucky

Court Of Appeals

NO. 1997-CA-000225-MR

DEONTAE GOTT

APPELLANT

v. APPEAL FROM JEFFERSON CIRCUIT COURT
HONORABLE JAMES M. SHAKE, JUDGE
ACTION NO. 95-CR-003246

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION VACATING
AND ORDER DISMISSING APPEAL

* * * * *

BEFORE: KNOPF, MILLER, AND SCHRODER, JUDGES.

KNOPF, JUDGE. Appellant, Deontae Gott (Gott) appeals the judgment denying him shock probation. We vacate the circuit court order and dismiss this appeal as moot.

The sole issue in this appeal is whether Gott, who as a juvenile pled guilty of conspiracy to commit robbery in the first degree, was eligible for shock probation. However, on June 19, 1998, this Court rendered a non-published opinion, Case No. 1996-CA-000830-MR, affirming Gott's conviction, but reversing and remanding for resentencing in accordance with Commonwealth v. Halsell, Ky., 934 S.W.2d 552 (1996) and Britt v. Commonwealth, Ky., 965 S.W.2d 147 (1998).

The circuit court has since rendered an amended sentence convicting Gott of conspiracy to commit robbery in the first degree was entered in Jefferson Circuit Court on September 10, 1998. Therefore, Gott's appeal to this Court on the issue of shock probation is not ripe for review. Gott may move the circuit court for shock probation on his amended sentence in compliance with KRS 439.265.

The order of the Jefferson Circuit Court denying Gott's motion for shock probation is VACATED, and this appeal is DISMISSED.

ENTERED: October 30, 1998

William L. Knopf
JUDGE, COURT OF APPEALS

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