

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

DENNIS A. TOOMER,

Appellant,

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D04-1935

STATE OF FLORIDA,

Appellee.

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Opinion filed March 8, 2005.

An appeal from the Circuit Court for Okaloosa County.  
Thomas T. Remington, Judge.

Nancy A. Daniels, Public Defender; Archie F. Gardner, Jr., Assistant Public  
Defender, Tallahassee, for Appellant.

Charlie Crist, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

We dismiss this appeal as moot. Where one is challenging the legality of his sentence or seeking jail credit against that sentence, and he completes the sentence during the pendency of the appeal, the appeal may be dismissed as moot. Cf. Hagan v. State, 853 So. 2d 595, 597 (Fla. 5 th DCA 2003); Edwards v. State, 765 So. 2d 222 (Fla. 2d DCA 2000). Because the appellant is no longer in jail, he has no use for jail

credit that would shorten his sentence, rendering this appeal moot.

DISMISSED.

VAN NORTWICK, POLSTON and THOMAS, JJ., CONCUR.