

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Jeff Tucker,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner and Appellant,	)	
	)	Case No. 20080748-CA
v.	)	
	)	F I L E D
State of Utah,	)	(July 16, 2009)
	)	
Respondent and Appellee.	)	<span style="border: 1px solid black; padding: 2px;">2009 UT App 190</span>

-----

Third District, Salt Lake Department, 070914853  
The Honorable Robert K. Hilder

Attorneys: Jeff Tucker, Farmington, Appellant Pro Se  
Mark L. Shurtleff and Nancy L. Kemp, Salt Lake City,  
for Appellee

-----

Before Judges Bench, Orme, and McHugh.

PER CURIAM:

Jeff Tucker asserts that the district court erred in dismissing his petition for extraordinary writ. This matter is before the court on the State's motion to dismiss Tucker's appeal as moot.

On appeal, Tucker asserts that this court should immediately order his release from state prison because the district court allegedly erred in concluding that his state sentence was lawfully tolled while he served a federal sentence. Since filing this appeal, Tucker's state sentence has expired and he has been released from state prison.

An appeal is considered moot when the requested judicial relief cannot affect the rights of the litigants. See State v. Vicente, 2004 UT 6, ¶ 3, 84 P.3d 1191. This court will not generally consider mooted issues on appeal. See id. Because Tucker's requested judicial relief is that he be immediately released from state prison, a decision by this court would be completely inconsequential and his case is moot. Furthermore, Tucker has not demonstrated that there are any collateral consequences requiring this court to consider the merits of his

appeal. Therefore, we decline to address the issues raised by Tucker in his appeal.

Accordingly, we dismiss the appeal as moot.

---

Russell W. Bench, Judge

---

Gregory K. Orme, Judge

---

Carolyn B. McHugh, Judge