

ORIGINAL

FILED

09/23/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 23-0583

FILED

SEP 23 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

TAYLOR JAY DAMM,

Defendant and Appellant.

Taylor Jay Damm appeals his sentences on revocation for which the Eleventh Judicial District Court imposed concurrent terms of five years and awarded 114 days' credit for time served and 37 months of elapsed time credit. Damm claims that his revocation sentences are illegal to the extent the District Court failed to grant him all of the credit he earned for time served in detention centers and for elapsed time served on probation without records of violations. On August 2, 2018, the District Court sentenced Damm in two separate cases for felony criminal mischief, deferring imposition of sentence for five years in each case, to run concurrently. The District Court revoked Damm's deferred sentences in both matters and imposed new sentences on August 3, 2023.

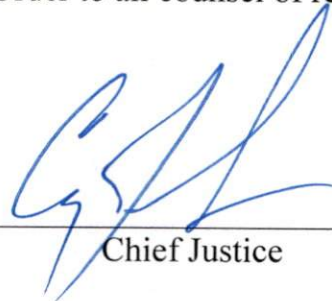
The State contends that Damm's appeal is moot. It points out that the five-year concurrent terms would have discharged August 3, 2028, if the district court had not granted Damm any credit for time served or elapsed time credit. Because the court granted him 114 days of credit for time served "in custody pending final disposition," and 37 months "for any time otherwise served on probation," the State argues that Damm discharged his sentences on March 11, 2025. Damm replies that the State's representation is not substantiated by evidence and that the Court should in any event apply an exception to the mootness doctrine to consider his appeal.

Upon review, this Court agrees with the State that Damm's appeal is moot. "The fundamental question to be answered in any review of possible mootness is 'whether it is possible to grant some form of effective relief to the appellant.'" *Briese v. Mont. Pub. Employees' Ret. Bd.*, 2012 MT 192, ¶ 14, 366 Mont. 148, 285 P.3d 550 (quoting *Progressive Direct Ins. Co. v. Stuivenga*, 2012 MT 75, ¶ 37, 364 Mont. 390, 276 P.3d 867). Discharge of Damm's five-year concurrent sentences renders his claims moot because any judgment of the Court will afford no relief "to the appellant." See also *Sebastian v. Mahoney*, 2001 MT 88, ¶¶ 7-8, 305 Mont. 158, 25 P.3d 163. There is no applicable exception to mootness.

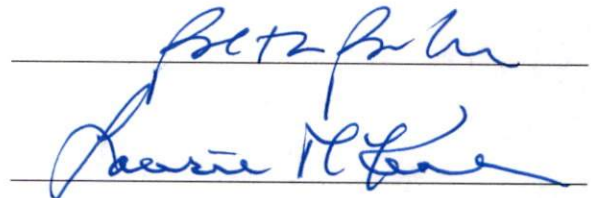
IT IS THEREFORE ORDERED that this appeal is DISMISSED as moot.

The Clerk is directed to provide copies of this Order to all counsel of record.

DATED this 23rd day of September, 2025.



Chief Justice









Justices