

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**TODD W. LINCOLN,
APPELLANT**

vs.

**MISSOURI DEPARTMENT OF CORRECTIONS,
RESPONDENT**

DOCKET NUMBER WD69097

DATE: JULY 31, 2009

Appeal from:

Cole County Circuit Court
The Honorable Jon E. Beetem, Judge

Appellate Judges:

Division Three: Harold L. Lowenstein, P.J., Joseph M. Ellis and Lisa White Hardwick, JJ.

Attorneys:

Craig A. Johnston, for Appellant

Stephen D. Hawke, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

TODD W. LINCOLN, APPELLANT

v.

MISSOURI DEPARTMENT OF CORRECTIONS, RESPONDENT

WD69097

Cole County, Missouri

Before Division Three Judges: Harold L. Lowenstein, P.J., Joseph M. Ellis and Lisa White Hardwick, JJ.

Todd Lincoln filed a petition for declaratory judgment alleging that the Missouri Department of Corrections had improperly calculated his mandatory minimum prison term percentage for one of his sentences. The trial court entered partial summary judgment in favor of Lincoln, but dismissed several of his claims. Lincoln appeals from that judgment.

DISMISSED.

Division Three holds:

- (1) After briefing, argument, and submission, this court was informed that Lincoln was paroled from custody on July 7, 2009. Since Lincoln is no longer incarcerated, the case is moot and must be dismissed.

Opinion by: Joseph M. Ellis, Judge

Date: JULY 31, 2009

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