

**COURT OF APPEALS
DECISION
DATED AND FILED**

August 29, 2007

David R. Schanker
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2007AP1169-FT

Cir. Ct. No. 2006JV357

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

IN THE INTEREST OF JOSEPH H., A PERSON UNDER THE AGE OF 18:

STATE OF WISCONSIN,

PETITIONER-RESPONDENT,

v.

JOSEPH H.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Racine County:
FAYE M. FLANCHER, Judge. *Dismissed.*

¶1 ANDERSON, P.J.¹ Joseph H. appeals from a dispositional order finding him to be habitually truant from school and ordering services. He contends that the evidence is insufficient to support the habitual truancy finding. We dismiss this appeal because the dispositional order expired June 15, 2007, and the issue presented is moot.

¶2 A petition alleging Joseph was habitually truant from a Racine middle school was filed on May 26, 2006. A court trial was conducted on September 11, 2006, where Joseph was found to be habitually truant. A dispositional hearing was held on October 3, 2006, and a written order memorializing the court's findings was filed. That order had an expiration date of June 15, 2007.

¶3 It is an elementary rule of law that an issue "is moot when 'a determination is sought which, when made, cannot have any practical effect upon an existing controversy.'" *See City of Racine v. J-T Enters. of Am., Inc.*, 64 Wis. 2d 691, 700, 221 N.W.2d 869, 874 (1974) (citation omitted). We will not decide moot issues because it requires a determination of abstract principles of law. *See id.* We will decide moot issues in exceptional and compelling circumstances; however, this is not such a case because the issue Joseph raises does not present a matter of serious public concern.

¶4 Joseph asks us to take up the issue because his juvenile record could, one day, appear in a presentence investigation if he is ever convicted of a crime. His argument is too speculative to overcome this court's reluctance to commit

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2005-06). All references to the Wisconsin Statutes are to the 2005-06 version unless otherwise noted.

scarce judicial resources to address moot issues. It is far better that we commit our limited resources to the backlog of cases in which the rights and obligations of the litigants are actually at stake rather than to those in which our decision will have no practical or legal effect.

By the Court.—Appeal dismissed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.

