

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

|             |   |                        |
|-------------|---|------------------------|
| IN RE: E.Y. | : | APPEAL NO. C-210548    |
|             | : | TRIAL NO. 19-5150Z     |
|             | : |                        |
|             | : | <i>JUDGMENT ENTRY.</i> |

E.Y. has appealed the juvenile court’s order revoking his parole and committing him to the Department of Youth Services (“DYS”) for 90 days. The court additionally ordered the termination of E.Y.’s parole obligation at the conclusion of the 90 days.

E.Y. raises three assignments of error, but he allows that the case is “technically” moot because he has been released from his 90-day commitment from DYS. This court lacks jurisdiction over cases that no longer present live controversies. “If the controversy has come and gone, then [a] court must dismiss the case as moot.” *M.R. v. Niesen*, Slip Opinion No. 2022-Ohio-1130, ¶ 7.

To save the appeal from dismissal, E.Y. argues the issue he raises concerning the due-process rights afforded juvenile parolees in revocation proceedings is “capable of repetition yet evading review.” The Ohio Supreme Court has explained the exception to mootness for issues that are capable of repetition yet evading review applies only in exceptional circumstances in which the following two factors are both present: (1) the challenged action is too short in its duration to be fully litigated before its cessation or expiration and (2) there is a reasonable expectation that the same complaining party will be

subject to the same action again. *See, e.g., M.R.* at ¶ 11; *State ex rel. Calvary v. Upper Arlington*, 89 Ohio St.3d 229, 231, 729 N.E.2d 1182 (2000).

The state argues this exception does not apply here because E.Y.’s parole in this case was terminated at the conclusion of his 90-day commitment to DYS, he turned 18 in January 2020, and there is no indication in the record that E.Y. is subject to “any lingering juvenile court sanctions in other cases.” Therefore, E.Y. cannot demonstrate a “reasonable expectation” that he would be subject to another parole violation in juvenile court.

E.Y. does not dispute these facts conclusively demonstrate the issue is not capable of repetition between the same parties, as required under the law. Instead, he argues the “same parties” rule is not strictly applied in juvenile cases, citing *In re J.C.*, 2013-Ohio-2819, 994 N.E.2d 919, ¶ 7 (11th Dist.). But in that case, it is not clear whether the court intentionally omitted the “same parties” requirement or if the appellant was subject to juvenile court sanctions in other cases. In any event, the Ohio Supreme Court has not articulated a juvenile-case exception, and the court recently affirmed that the “same parties” rule strictly applies. *See M.R.* at ¶ 12.

In sum, E.Y. concedes his appeal is “technically moot” and he has failed to demonstrate that an exception to the mootness doctrine applies. Accordingly, we dismiss this matter as moot.

**MYERS, P.J., ZAYAS and WINKLER, JJ.**

To the clerk:

Enter upon the journal of the court on **August 17, 2022**,

per order of the court\_\_\_\_\_.

Administrative Judge