

AUG 30 2017

NOT FOR OFFICIAL PUBLICATION

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION I

JERRY SULLIVAN,)	
)	
Plaintiff/Appellee,)	
vs.)	Case No. 115,729
)	(Comp. w/115,405
)	& 115,618)
STATE OF OKLAHOMA ex rel.,)	
DEPARTMENT OF PUBLIC SAFETY,)	
)	
Defendant/Appellant.)	

APPEAL FROM THE DISTRICT COURT OF
LeFLORE COUNTY, OKLAHOMA

HONORABLE MARION D. FRY, TRIAL JUDGE

AFFIRMED

Douglas W. Sanders, Jr.,
SANDERS, SANDERS &
SULLIVAN, PC,
Poteau, Oklahoma,

For Plaintiff/Appellee,

Mark Edward Bright,
Oklahoma City, Oklahoma,

For Defendant/Appellant.

OPINION BY BRIAN JACK GOREE, PRESIDING JUDGE:

¶1 Defendant/Appellant, State of Oklahoma ex rel. Department of Public Safety (DPS), seeks review of the district court's order that set aside DPS's order revoking the driver's license of Plaintiff/Appellee, Jerry Sullivan, on the grounds that Sullivan's right to a speedy trial had been violated. DPS contends the judgment was improper because it was entered after the revocation order expired. We hold the judgment was properly entered pursuant to 12 O.S. 2011 §696.2(A).

¶2 The parties agree that a state trooper arrested Sullivan on November 18, 2013 for driving under the influence of alcohol. On November 26, 2013, Sullivan submitted a written request for hearing on any asserted revocation. DPS received the results of Sullivan's blood test on February 14, 2014, and sent Sullivan a notice on February 18, 2015 that the hearing would be held on March 27, 2015. The hearing took place as scheduled and resulted in an administrative order revoking Sullivan's driving privileges for 180 days.

¶3 Sullivan sought review by the district court, which conducted a trial de novo and ruled that DPS violated Sullivan's right to due process as a result of the unreasonable delay in hearing his case. The trial court announced its ruling from the bench on June 5, 2015, but did not direct a party to prepare a

journal entry. On May 19, 2016, the court filed a minute order describing the trial and decision, and on February 2, 2017, it filed a journal entry that was approved for entry by counsel for both parties, memorializing its ruling at the June 5, 2015 trial that vacated the DPS order suspending Sullivan's license.

¶4 DPS appealed, contending the trial court erred in issuing the minute order and journal entry to set aside the revocation after the revocation order had expired on November 23, 2015. The revocation order was in effect at the time of trial on June 5, 2015. The trial court is obligated by 12 O.S. 2011 §696.2(A) to reduce to writing and sign and file its judgments. Doing so was not error.

¶5 The doctrine of mootness concerns an appellate court's power to conduct a review. *State ex rel. Oklahoma Firefighters Pension & Ret. Sys. v. City of Spencer*, 2009 OK 73, ¶5, 237 P.3d 125, 129. The remedy is to dismiss the appeal. *Id.* at ¶4. DPS has not asked that we dismiss this appeal. "A case is not mooted when ... the challenged action is in its duration too short to be fully litigated prior to cessation or expiration." *Id.* at n.18. A driver's license revocation of six months is too short in duration for its challenge to be fully litigated prior to expiration. Therefore this case has not been mooted and this court has jurisdiction to decide this appeal.

¶6 Accordingly, we AFFIRM the trial court's judgment.

JOPLIN, J., and BELL, J., concur.