

[Cite as *State v. Flowers*, 2019-Ohio-4366.]

**IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CLARK COUNTY**

STATE OF OHIO

Plaintiff-Appellee

v.

JERRAD FLOWERS

Defendant-Appellant

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Appellate Case No. 2018-CA-129

Trial Court Case No. 2018-CR-526

(Criminal Appeal from
Common Pleas Court)

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OPINION

Rendered on the 25th day of October, 2019.

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JOHN M. LINTZ, Atty. Reg. No. 0097715, Assistant Prosecuting Attorney, Clark County
Prosecutor's Office, 50 East Columbia Street, Suite 449, Springfield, Ohio 45502
Attorney for Plaintiff-Appellee

BENJAMIN W. ELLIS, Atty. Reg. No. 0092449, 805-H Patterson Road, Dayton, Ohio
45419
Attorney for Defendant-Appellant

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DONOVAN, J.

{¶ 1} Flowers was convicted, following a guilty plea, on one count of improper handling of a firearm in a motor vehicle, in violation of R.C. 2923.16(B), a felony of the fourth degree. The trial court imposed a sentence of nine months.

{¶ 2} Appellate counsel for Jerrad Flowers has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), asserting that there are no meritorious issue for appellate review. We granted Flowers the opportunity to file a pro se brief assigning any errors for our review, but no brief was filed.¹

{¶ 3} Counsel for Flowers asserts that he “carefully reviewed the original court file, as well as the transcript of proceedings prepared in this case, and can find no non-frivolous assignments of error prejudicial to the rights of appellant which may be argued to this court on appeal.” Counsel asserts three potential assignments of error. They are as follows:

THE TRIAL COURT ERRED IN FAILING TO MAKE FACTUAL FINDINGS PURSUANT TO R.C. 2951.03(B)(5).

THE TRIAL COURT ERRED IN CONSIDERING POTENTIALLY INFLAMMATORY AND SPECULATIVE INFORMATION DURING SENTENCING.

THE TRIAL COURT ABUSED ITS DISCRETION IN SENTENCING APPELLANT TO PRISON RATHER THAN COMMUNITY CONTROL.

{¶ 4} Flowers’s assigned errors are all directed to the imposition of his sentence and do not involve his conviction for improper handling of a firearm in a motor vehicle.

¹ We note that on April 9, 2019, Flowers filed a pro se motion to dismiss this appeal. This Court overruled the motion, noting that it does not permit parties to proceed pro se while represented by counsel.

This Court's review of the Ohio Department of Rehabilitation and Correction's website reveals that Flowers is no longer an inmate, nor is he subject to post-release control. See *State v. Erdman*, 2d Dist. Montgomery No. 25814, 2014-Ohio-2997, ¶ 3 (taking judicial notice appellant's name is not listed on the ODRC website); *State v. Robinson*, 2d Dist. Montgomery Nos. 26712, 26713, 2016-Ohio-3277, fn. 1. Since Flowers has completed his sentence, "we cannot provide any meaningful remedy. 'We cannot restore to him any of the time he spent in jail on this conviction.'" *State v. MacConnell*, 2d Dist. No. 25437, 2013-Ohio-4947, ¶ 9. Consequently, this appeal is moot. See *id.*; *State v. Kinnison*, 2d Dist. Darke No. 2010 CA 1, 2011-Ohio-6324, ¶ 7 * * *." *Robinson* at ¶ 4.

{¶ 5} This appeal being moot, it is dismissed.

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HALL, J. and TUCKER, J., concur.

Copies sent to:

John M. Lintz
Benjamin W. Ellis
Jerrad Flowers
Hon. Douglas M. Rastatter