

IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT  
WILLIAMS COUNTY

State of Ohio

Court of Appeals No. WM-18-008

Appellee

Trial Court No. 18CR000114

v.

Christopher M. Wilson

**DECISION AND JUDGMENT**

Appellant

Decided: October 11, 2019

\* \* \* \* \*

Katherine J. Zartman, Williams County Prosecuting Attorney,  
and Stacey S. Stiriz, Assistant Prosecuting Attorney, for appellee.

Ian A. Weber, for appellant.

\* \* \* \* \*

**PIETRYKOWSKI, J.**

{¶ 1} This matter is before the court on appeal of the October 19, 2018 judgment of the Williams County Court of Common Pleas which, following a jury trial convicting appellant, Christopher M. Wilson, of vandalism, sentenced him to 11 months of imprisonment.

{¶ 2} On appeal, appellant raises the following three assignments of error:

**First Assignment of Error:** The trial court abused its discretion by not giving the defendant, Christopher Wilson jail time credit on his sentence from June 19, 2018 until October 18, 2018 in violation of the Equal Protection Clauses of the Ohio and United States Constitutions.

**Second Assignment of Error:** The appellant's conviction for vandalism is not supported by sufficient evidence.

**Third Assignment of Error:** The appellant's conviction for vandalism is against the manifest weight of the evidence.

{¶ 3} Before addressing the assignments of error, appellant notes that, through no fault of his own, the trial in the matter was not transcribed due to a hard drive failure on the first day of trial. This fact is conceded by the state and confirmed by the record. The state further concedes that the conviction should be reversed and the matter remanded for a new trial. Based on the foregoing, we find that appellant's assignments of error are moot.

{¶ 4} On consideration whereof, we reverse the October 19, 2018 judgment of the Williams County Court of Common Pleas and vacate appellant's conviction and sentence. The matter is remanded for a new trial. Pursuant to App.R. 24, appellee is ordered to pay the costs of this appeal.

Judgment reversed,  
vacated and remanded.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.  
*See also* 6th Dist.Loc.App.R. 4.

Mark L. Pietrykowski, J.

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JUDGE

Arlene Singer, J.

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JUDGE

Christine E. Mayle, P.J.  
CONCUR.

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JUDGE

<p>This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: <a href="http://www.supremecourt.ohio.gov/ROD/docs/">http://www.supremecourt.ohio.gov/ROD/docs/</a>.</p>
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