

[Cite as *State v. Silvers*, 2010-Ohio-567.]

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

STATE OF OHIO  
Plaintiff-Appellee

v.

: CHRISTOPHER SILVERS  
Defendant-Appellant

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Appellate Case No. 09-CA-19  
Trial Court Case No. 08-CR-655  
(Criminal Appeal from  
Common Pleas Court)

## OPINION

Rendered on the 19<sup>th</sup> day of February, 2010.

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BROGAN, J.

{¶ 1} Christopher Silvers appeals from his conviction and sentence on one count of fifth-degree-felony drug possession. In his sole assignment of error, he contends the trial court abused its discretion in sentencing him to twelve months in prison.

{¶ 2} The record reflects that Silvers pled guilty to the drug charge based on

his possession of a baggie containing a small amount of crack cocaine. In exchange for the plea, the State agreed to recommend community control. At sentencing, however, the trial court imposed a statutory maximum sentence of twelve months in prison.

{¶ 3} Having reviewed Silvers' appellate brief, we note that he challenges only the trial court's imposition of a twelve-month prison term. The trial court filed its termination entry on February 2, 2009, ordering him conveyed to prison. A warrant to convey was issued, and he was transported to prison with four days of jail-time credit. He twice unsuccessfully sought judicial release while in prison.

{¶ 4} We take judicial notice that Silvers' name and inmate number do not appear in the "Offender Search" area of the Ohio Department of Rehabilitation and Correction's web site. See <http://www.drc.state.oh.us/OffenderSearch/Search.aspx>. Given that he received a one-year sentence more than a year ago, he appears to have completed it. Although Silvers was convicted of a felony, his assignment of error, which challenges only the length of his sentence, is moot. *State v. Crockran*, Clark App. No. 05CA0018, 2006-Ohio-3192, ¶6 ("The record does not reflect that the trial court stayed the eleven month sentence it imposed on February 4, 2005. Because far more than eleven months has since passed, we necessarily presume that Crockran has completed serving his sentence. Therefore, \* \* \* the error Crockran assigns concerning the length of his sentence, and any related error under the rule of *Foster*, is moot."); *State v. Johnson*, Lake App. No. 2005-L-208, 2007-Ohio-780, ¶7 ("This court cannot grant relief to an appellant who has served his sentence if the underlying conviction is not at issue.").

{¶ 5} Silvers' assignment of error is overruled as moot, and the judgment of the Clark County Common Pleas Court is affirmed.

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DONOVAN, P.J., and GRADY, J., concur.

Copies mailed to:

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Hon. Douglas M. Rastatter