

[Cite as *State v. Erdman*, 2014-Ohio-2997.]

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

STATE OF OHIO	:	
	:	Appellate Case No. 25814
Plaintiff-Appellee	:	
	:	Trial Court Case No. 12-CR-108
v.	:	
	:	
SCOTT W. ERDMAN	:	(Criminal Appeal from
	:	Common Pleas Court)
Defendant-Appellant	:	

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OPINION

Rendered on the 3rd day of July, 2014.

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Attorney for Defendant-Appellant

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HALL, J.,

{¶ 1} Scott Erdman appeals from the trial court's revocation of community control and its imposition of a fourteen-month prison sentence.

{¶ 2} Edrman's appointed appellate counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), asserting the absence of any

non-frivolous issues for our review. Counsel did identify two potential assignments of error dealing with Erdman's sentence upon revocation and with his waiver of a probable-cause hearing prior to revocation. Counsel determined, however, that these potential assignments of error would be frivolous. By entry, we informed Erdman of the *Anders* filing and gave him time to submit a pro se brief. He failed to do so. The appeal is now before us for disposition.

{¶ 3} The record reflects that Erdman pled guilty to one count of assault on a peace officer, a fourth-degree felony. The trial court accepted the plea and placed him on community control on March 9, 2012. (Doc. #14). Thereafter, on March 18, 2013, a notice was filed charging Erdman with violating several conditions of community control. The matter proceeded to a June 28, 2013 revocation hearing. Based on the evidence presented, the trial court revoked community control and imposed a fourteen-month prison sentence. (Hearing Tr. at 35; Termination Entry, Doc. #39). Erdman received jail-time credit of 191 days, resulting in an actual prison term of almost eight months. In the *Anders* brief, appointed appellate counsel noted that Erdman's sentence would be completed in February 2014. This court's review of the Ohio Department of Rehabilitation and Correction's website confirms that he no longer is an inmate. *See State v. Evans*, 2d Dist. Montgomery No. 24928, 2012-Ohio-5099, ¶8 (taking judicial notice that the appellant's name no longer appeared on the ODRC website).

{¶ 4} The potential issues raised by appointed appellate counsel are moot because Erdman has completed his sentence. The present appeal does not involve his conviction for assault on a peace officer, and this court cannot provide any relief for the prison sentence he served as a result of the trial court revoking community control. *State v. Tidd*, 2d Dist.

Montgomery No. 24922, 2012-Ohio-4982, ¶12 (“After this appeal had been submitted for decision on the merits, it occurred to this court that the appeal might be moot, since it appeared that Tidd had completed the nine-month prison sentence imposed following the revocation of her community control sanctions. Tidd is not appealing from her original conviction. Therefore, any meaningful relief that this court could provide would be the reversal of the nine-month sentence, which she has already completed.”).

{¶ 5} Having conducted our independent review as required by *Anders*, we see no non-frivolous issues for review. Because Erdman is appealing from the revocation of community control and the imposition of a sentence he has completed, the appeal is moot.

{¶ 6} Appointed appellate counsel’s motion to withdraw is sustained, and the appeal is dismissed.

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FROELICH, P.J., and DONOVAN, J., concur.

Copies mailed to:

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Hon. Barbara P. Gorman