

[Cite as *State v. Bennett*, 2015-Ohio-2779.]

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

STATE OF OHIO	:	
	:	Appellate Case No. 2014-CA-60
Plaintiff-Appellee	:	
	:	Trial Court Case No. 09-CR-557
v.	:	
	:	(Criminal Appeal from
ADAM M. BENNETT	:	Common Pleas Court)
	:	
Defendant-Appellant	:	

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OPINION

Rendered on the 10th day of July, 2015.

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Attorneys for Plaintiff-Appellee

ADAM M. BENNETT, 29 South Findlay Avenue, Dayton, Ohio 45403  
Defendant-Appellant, *pro se*

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HALL, J.

{¶ 1} Adam Bennett appeals pro se from the trial court's judgment entry denying

him jail-time credit for time he spent in a half-way house.

{¶ 2} In his sole assignment of error, Bennett challenges the trial court's denial of jail-time credit for 51 days he spent at the half-way house, which is known as the "Turtle Creek" residential facility.

{¶ 3} The record reflects that Bennett raised the same jail-time credit issue in a prior appeal. See *State v. Bennett*, 2d Dist. Greene No. 2014-CA-17, 2014-Ohio-4102. On that occasion, we found almost no information in the record about the nature of the Turtle Creek program or its restrictions on Bennett. *Id.* at ¶ 9. Therefore, we were unable to determine whether he was sufficiently "confined" to be entitled to jail-time credit. As a result, we remanded the cause "for elaboration by the trial court or additional findings regarding the nature of the restrictions placed on Bennett at Turtle Creek." *Id.* at ¶ 12.

{¶ 4} On remand, the trial court held a December 2, 2014 evidentiary hearing on the foregoing issue. On December 15, 2014, the trial court filed a judgment entry in which it found that Bennett's time spent at Turtle Creek did not constitute "confinement" for purposes of jail-time credit. (Doc. #151). Based on the facts detailed by the trial court in its judgment entry, we do not disagree.

{¶ 5} Nevertheless, the only issue raised in Bennett's present appeal is whether the trial court erred in failing to grant him jail-time credit for his time at Turtle Creek. The Ohio Department of Rehabilitation and Correction's web site reflects, however, that Bennett's 30-month prison term in this case expired on December 28, 2014, two weeks after the trial court's judgment entry.<sup>1</sup> Bennett's own pro se brief also reflects a residential

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<sup>1</sup> We have also previously taken judicial notice of the Ohio Department of Rehabilitation and Correction's web site, <http://www.drc.ohio.gov/OffenderSearch/Search.aspx>. *State v. Silvers*, 2d Dist. Clark No. 09 CA 19, 2010-Ohio-567, ¶ 4. Bennett was released on

Dayton address. This court has recognized that “[o]nce an inmate has served his sentence and has been released from prison, any error relating to the calculation of jail time credit is moot.” *State v. Dewey*, 2d Dist. Montgomery No. 25676, 2013-Ohio-4942, ¶ 5 (citing cases); see also *State v. Franklin*, 2d Dist. Montgomery No. 25677, 2013-Ohio-5164, ¶ 14 (“Even if Franklin was, in fact, entitled to a six-day credit against the ten days she was ordered to spend in jail, there is no way that we can give those days back to her once she has already served them.”) The fact that Bennett remains on post-release control does not preclude a finding of mootness with regard to jail-time credit. *State ex rel. Brown v. Ohio Dept. of Rehab. & Correction*, 139 Ohio St.3d 433, 2014-Ohio-2348, 12 N.E.3d 1187, ¶ 1-2.

{¶ 6} Appeal dismissed as moot.

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FROELICH, P.J., and FAIN, J., concur.

Copies mailed to:

Stephen K. Haller  
Elizabeth A. Ellis  
Adam Bennett  
Hon. Stephen Wolaver

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post-release control on December 28, 2014.