

[Cite as *State v. McCarty*, 2015-Ohio-2877.]

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

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	C.A. CASE NO. 2014-CA-70
	:	
v.	:	T.C. NO. 2013-CR-808
	:	
RONNI McCARTY	:	(Criminal appeal from
	:	Common Pleas Court)
Defendant-Appellant	:	
	:	

.....
OPINION

Rendered on the 17th day of July, 2015.

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DONOVAN, J.

{¶ 1} This matter is before the Court on the Notice of Appeal of Ronni McCarty, filed June 3, 2014. McCarty challenges her six-month sentence, imposed on May 28, 2014, following her guilty plea, to one count of receiving stolen property, in violation of R.C. 2913.51, a felony of the fifth degree.

{¶ 2} McCarty asserts one assignment of error herein as follows:

THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION BY IMPOSING A PRISON SENTENCE ON THE DEFENDANT-APPELLANT.

{¶ 3} As this Court has previously noted:

“ ‘Any appeal of a sentence already served is moot.’ ” *Columbus v. Duff*, 10th Dist. Franklin No. 04AP-901, 2005-Ohio-2299, ¶ 12, quoting *State v. Wright*, 8th Dist. Cuyahoga No. 83781, 2004-Ohio-4077, ¶ 18. It is true that “an appeal challenging a felony conviction is not moot even if the entire sentence has been satisfied before the matter is heard on appeal.” *State v. Golston*, 71 Ohio St.3d 224, 643 N.E.2d 109 (1994), at the syllabus. But this rule “does not apply if appellant is appealing solely on the issue of the length of his sentence and not on the underlying conviction.” *State v. Beamon*, 11th Dist. Lake No. 2000-L-160, 2001 WL 1602656, * 1 (Dec. 14, 2001); e.g. *Duff* at ¶ 12, (quoting *Beamon* for the same proposition).

State v. Bogan, 2d Dist. Champaign No. 2012-CA-34, 2013-Ohio-1920, ¶ 5.

{¶ 4} As the 11th District further explained in *Beamon*, *1:

* * * If an individual has already served his sentence, there is no collateral disability or loss of civil rights that can be remedied by a modification of the length of that sentence in the absence of a reversal of the underlying conviction. Therefore, appellant’s assertion that the trial court erred in determining the length of that sentence is a moot issue because the appellant has already served his sentence, and no relief can be granted by this court subsequent to the completion of the sentence if the underlying

conviction itself is not at issue. * * *.

{¶ 5} McCarty pled guilty to receiving stolen property, and she merely challenges her sentence, which she has already served. McCarty's appeal is moot, and it is accordingly hereby dismissed.

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FAIN, J., and WELBAUM, J., concur.

Copies mailed to:

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