

[Cite as *State v. Robinson*, 2016-Ohio-3277.]

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

STATE OF OHIO

Plaintiff-Appellee

V.

TIMOTHY ROBINSON

Defendant-Appellant

.....

C.A. CASE NOS. 26712 and 26713

T.C. NO. 15CR393 and 15CR608

(Criminal appeal from
Common Pleas Court)

OPINION

Rendered on the 3rd day of June, 2016.

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Attorney for Plaintiff-Appellee

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Attorney for Defendant-Appellant

HALL, J.

{¶ 1} Timothy Robinson appeals his sentences for possession of cocaine and possession of heroin, both fifth-degree felonies. Robinson has completed serving the imposed prison sentences, there is no relief which we can provide on the issues raised in

his appeal, so this appeal is moot and is dismissed.

{¶ 2} Robinson pleaded guilty to cocaine possession in Case Number 2015-CR-393 and to heroin possession in Case Number 2015-CR-608. He was sentenced to 11 months in prison for each offense, with 2 days of credit, to be served concurrently. And Robinson was notified that he may have to serve three years of post-release control.

{¶ 3} Robinson appealed and now presents these three assignments of error:

THE TRIAL COURT ERRED IN SENTENCING THE APPELLANT BY FAILING TO FULFILL ITS AFFIRMATIVE DUTIES UNDER R.C. §2951.03(B)(5) TO MAKE INVESTIGATIVE FINDINGS AS TO EACH ALLEGED FACTUAL INACCURACY IN THE PSI REPORT.

THE TRIAL COURT ERRED IN SENTENCING THE APPELLANT BY FAILING TO FULFILL ITS AFFIRMATIVE DUTIES UNDER R.C. §2951.03(B)(5) WHEN IT EXPRESSLY RELIED UPON ALLEGED FACTUAL INACCURACIES TO FASHION DEFENDANT'S SENTENCE.

THE TRIAL COURT ERRED TO THE PREJUDICE OF THE APPELLANT BY IMPOSING A SENTENCE THAT IS CONTRARY TO THE PURPOSES AND THE PRINCIPLES OF FELONY SENTENCING.

{¶ 4} According to the record, Robinson was conveyed to the Department of Rehabilitation and Corrections on May 22, 2015. So he completed his prison sentence at least by April 20, 2015 (11 months, minus 2 days of jail-time credit),¹ while this appeal

¹ This Court's review of the Ohio Department of Rehabilitation and Correction's

was pending. Robinson's assignments of error are directed to the prison sentence only. Even if one of the assignments of error has merit, because Robinson has finished serving his prison sentence, we cannot provide any meaningful remedy. "We cannot restore to him any of the time he spent in jail on this conviction." *State v. MacConnell*, 2d Dist. Montgomery No. 25437, 2013-Ohio-4947, ¶ 9. Consequently, this appeal is moot. See *id.*; *State v. Kinnison*, 2d Dist. Darke No. 2010 CA 1, 2011-Ohio-6324, ¶ 7; *State v. Money*, 2d Dist. Clark No. 2009 CA 119, 2010-Ohio-6225, ¶ 25.

{¶ 5} Because this appeal is moot, it is dismissed.

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DONOVAN, P.J. and WELBAUM, J., concur.

Copies mailed to:

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Hon. Dennis J. Adkins

website confirms that Robinson is no longer an inmate, nor is he subject to post-release control. See *State v. Erdman*, 2d Dist. Montgomery No. 25814, 2014-Ohio-2997, ¶ 3 (taking judicial notice appellant's name is not listed on the ODRC website).