

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
LAWRENCE COUNTY

STATE OF OHIO, :
Plaintiff-Appellee, : Case No. 01CA35
vs. :
GENNY FIELDS, : DECISION AND JUDGMENT ENTRY
Defendant-Appellant. : RELEASED: 2-12-02

APPEARANCES:

COUNSEL FOR APPELLANTS: Mark K. McCown, Ironton, Ohio

COUNSEL FOR APPELLEES: W. Mack Anderson, Ironton, Ohio

PER CURIAM.

{¶1} This is an appeal from an Ironton Municipal Court judgment. Genny Fields, defendant below and appellant herein, was convicted and sentenced of disorderly conduct. The trial court imposed a one hundred dollar (\$100) fine and sixty dollar (\$60) court costs. On November 28, 2001, appellant paid the fine and court costs in full.

{¶2} Initially, we must address a threshold jurisdictional issue. In State v. Wilson (1975), 41 Ohio St.2d 236, the Ohio Supreme Court held that when a defendant, convicted of a criminal offense, has voluntarily paid the fine or completed the sentence for that offense, an appeal is moot unless evidence is offered from which an inference can be drawn that the defendant will

suffer some collateral disability or loss of civil rights from such judgment or conviction. In State v. Benson (1986), 29 Ohio App.3d 109, the court stated that "to retain his stake in a controversy and to preserve the right to appeal, a defendant convicted of a criminal offense must, where practicable, seek a stay of the fine or sentence in either the trial court or the appellate court." Id. at 109, citing State v. Conliff (1978), 61 Ohio App.2d 185.

{¶3} In the case sub judice, we find no indication that appellant sought a stay of execution of the trial court's sentence. Further, we find no evidence that appellant will suffer a "collateral disability or loss of civil rights" from her conviction. Wilson, supra.

{¶4} Accordingly, based upon the foregoing reasons we find this appeal to be moot and it is hereby dismissed.

APPEAL DISMISSED.

JUDGMENT ENTRY

{¶5} It is ordered that the appeal be dismissed and that appellee recover of appellant costs herein taxed.

{¶6} It is ordered that a special mandate issue out of this Court directing the Ironton Municipal Court to carry this judgment into execution.

{¶7} A certified copy of this entry shall constitute that mandate pursuant to Rule 27 of the Rules of Appellate Procedure. Exceptions.

Harsha, J.: Dissents
Kline, J.: Concur

For the Court

BY: _____
Peter B. Abele
Presiding Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.