

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-07-1012

Appellee

Trial Court No. CR-2005-2112

v.

Rondle Carroll

DECISION AND JUDGMENT ENTRY

Appellant

Decided: September 28, 2007

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and
David F. Cooper, Assistant Prosecuting Attorney, for appellee.

Karl R. Rissland, for appellant.

* * * * *

SKOW, J.

{¶ 1} Appellant, Rondle Carroll, appeals the judgment of the Lucas County Court of Common Pleas, which denied his motion for postconviction relief. A jury convicted him of four counts of unlawful sexual conduct with a minor, violations of R.C. 2907.04(A) and (B)(3) and felonies of the third degree, and three counts of rape committed against a person under 13 years of age, violations of R.C. 2907.02(A)(1)(b)

and felonies of the first degree. He was sentenced to a total term of 23 years incarceration.

{¶ 2} Appellant also timely filed a direct appeal of his conviction. Our decision in the direct appeal, *State v. Carroll*, 6th Dist. No. L-05-1362, 2007-Ohio-____, reversed appellant's convictions on the grounds that appellant was denied a fair trial in violation of due process. Fourteenth Amendment, United States Constitution; *Brady v. Maryland* (1963) 373 U.S. 83; *United States v. Bagley* (1985), 473 U.S. 667.

{¶ 3} Upon review, we find that appellant's petition for postconviction relief asserts identical grounds to those he asserted in his direct appeal of the trial court's decision denying his motion for a new trial.

{¶ 4} Accordingly, this petition is rendered moot by the disposition of appellant's direct appeal and the instant appeal must be dismissed.

{¶ 5} This appeal is ordered dismissed. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24. Judgment for the clerk's expense incurred in preparation of the record, fees allowed by law, and the fee for filing the appeal is awarded to Lucas County.

APPEAL DISMISSED.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See, also, 6th Dist.Loc.App.R. 4.

State v. Carroll
C.A. No. L-07-1012

Peter M. Handwork, J.

JUDGE

Arlene Singer, J.

JUDGE

William J. Skow, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.