

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

State of Ohio

Court of Appeals No. WM-11-003

Appellee

Trial Court No. 09 CR 033

v.

Jamie Hagadorn-Buckner

DECISION AND JUDGMENT

Appellant

Decided: November 18, 2011

* * * * *

Thomas A. Thompson, Williams County Prosecuting Attorney,
and Katherine J. Middleton, Assistant Prosecuting Attorney, for appellee.

Jamie Hagadorn-Buckner, pro se.

* * * * *

HANDWORK, J.

{¶ 1} This appeal is from the February 15, 2011 judgment of the Williams County Court of Common Pleas, which denied the motion of appellant, Jamie Hagadorn-Buckner, for jail-time credit. Finding that the issues raised on appeal are moot, we dismiss the appeal. Appellant asserts the following single assignment of error on appeal:

{¶ 2} "THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION IN VIOLATION OF THE DEFENDANT-APPELLANT'S UNITED STATES AND OHIO CONSTITUTIONAL RIGHTS AND STATUTORY RIGHTS WHEN IT DENIED THE DEFENDANT-APPELLANT'S MOTION FOR JAIL-TIME CREDIT, RESULTING IN THE DEFENDANT-APPELLANT SERVING BEYOND HER STATED PRISON TERM DUE TO HER NOT BEING CREDITED FOR THE TIME FROM THE DATE OF INDICTMENT THROUGH THE DATE OF SENTENCING AND TRANSPORT TO PRISON."

{¶ 3} In 2009, appellant was indicted in a multi-count indictment, entered a guilty plea as to one count, and was convicted of that count; i.e., identity fraud, a third degree felony. Appellant was sentenced to two years of incarceration, to be served concurrently with any other sentences being served. On February 14, 2011, appellant moved for 30 days of jail-time credit for the time period beginning when she was indicted through the date she was sentenced. Appellant asserts that she was incarcerated in Cleveland, Ohio, for another felony offense during that time period. The trial court denied the motion on February 15, 2011, without a hearing. Appellant then sought an appeal of the trial court's decision to this court. Appellant served her sentence and was released on March 26, 2011. She is not on postrelease control.

{¶ 4} Appellee argues that appellant's assignment of error is moot because appellant has already served her sentence and is not on postrelease control. We agree.

{¶ 5} Generally, an appeal of a felony conviction is never moot even if the entire sentence has been served. *State v. Golston* (1994), 71 Ohio St.3d 224, syllabus. However, this holding is not applicable to appeals which allege errors related to the length of the sentence and not the underlying conviction because there is no collateral disability or loss of civil rights arising from the alleged sentencing error. *State v. Legg*, 11th Dist. No. 2009-T-0111, 2010-Ohio-5399, ¶ 19-20; *State v. Kincer*, 12th Dist. No. CA2006-08-055, 2007-Ohio-3352, ¶ 28; *State v. Strohl*, 6th Dist. No. WD-05-049, 2006-Ohio-1639, ¶ 8; *State v. Ambriez*, 6th Dist. No. L-04-1382, 2005-Ohio-5877, ¶ 10; and *State v. Blivens* (Sept. 30, 1999), 11th Dist. No. 98-L-189.

{¶ 6} In the case before us, appellant has served her sentence and is not on postrelease control. She challenges only whether she should have been credited with jail time she served prior to the acceptance of her guilty plea. Since there is no collateral disability or loss of civil rights arising from the length of her sentence and the relief sought can no longer be granted, appellant's sole assignment of error is moot.

{¶ 7} Having found that the appellant's assignment of error is moot, we hereby dismiss this appeal. Appellant is ordered to pay the court costs of this appeal pursuant to App.R. 24. The clerk is ordered to serve all parties, including the defendant if he or she has filed a brief, with notice of this decision.

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.

Peter M. Handwork, J.

JUDGE

Thomas J. Osowik, P.J.

JUDGE

Stephen A. Yarbrough, 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>.