

[Cite as *State v. Terry*, 2003-Ohio-3355.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 81906

STATE OF OHIO	:	JOURNAL ENTRY
	:	AND
Plaintiff-appellee	:	OPINION
	:	
-vs-	:	
	:	
DAVID TERRY	:	
	:	
Defendant-appellant	:	

DATE OF ANNOUNCEMENT
OF DECISION:

JUNE 26, 2003

CHARACTER OF PROCEEDING:

Criminal appeal from the
Court of Common Pleas
Case No. CR-418833

JUDGMENT:

Dismissed.

DATE OF JOURNALIZATION:

APPEARANCES:

For Plaintiff-Appellee:

WILLIAM D. MASON, ESQ.
CUYAHOGA COUNTY PROSECUTOR
BY: CHRISANA C. BLANCO, ESQ.
8TH Floor - Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

For Defendant-Appellant:

J. GARY SEEWALD, ESQ.
550 Courthouse Square
310 Lakeside Ave., West
Cleveland, Ohio 44113

ANN DYKE, P.J. :

{¶1} Defendant-appellant David Terry (“defendant”) appeals from the judgment of the trial court, which found him guilty of negligent assault. The defendant was indicted on January 13, 2002 for one count of felonious assault in violation of R.C. 2903.11, with firearm specifications in violation of R.C. 2941.141 and R.C. 2941.145. On September 11, 2002, the defendant waived his right to a trial by jury and the matter proceeded to a bench trial. The trial court found the defendant guilty of negligent assault in violation of R.C. 2903.14, a misdemeanor of the third degree. The trial court sentenced the defendant to sixty days in jail, which were suspended and six months probation.

{¶2} In this case, because the defendant’s misdemeanor sentence is completed, we sua sponte find his appeal moot and dismiss it on the authority of *State v. Golston* (1994), 71 Ohio St.3d 224. Where a criminal defendant has been convicted of a misdemeanor and has voluntarily satisfied his or her judgment for that offense, an appeal from the conviction is moot unless the defendant has offered evidence from which an inference can be drawn that he or she will suffer some collateral legal disability or loss of civil rights. *State v. Golston*, supra, citing *State v. Wilson* (1975), 41 Ohio St.2d 236 and *State v. Berndt* (1987), 29 Ohio St.3d 3. There is no evidence in the record that the defendant’s misdemeanor conviction will impose a “collateral disability or loss of civil rights” upon him and the defendant does not argue or present evidence regarding this issue.

Appeal dismissed.

It is ordered that appellee recover of appellant its costs herein taxed.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Common Pleas Court to carry this judgment into execution. The defendant's conviction having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

COLLEEN CONWAY COONEY, J., AND
SEAN C. GALLAGHER, J., CONCUR.

ANN DYKE
PRESIDING JUDGE

N.B. This entry is an announcement of the court's decision. See App.R.22(B), 22(D) and 26(A); Loc.App.R.22. This decision will be journalized and will become the judgment and order of the court pursuant to App. R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also S.Ct.Prac.R. II, Section 2(A)(1).