

[Cite as *Garfield Hts. v. McElroy*, 2003-Ohio-6621.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 82706

CITY OF GARFIELD HEIGHTS	:	
	:	
Plaintiff-Appellee	:	JOURNAL ENTRY
	:	
-vs-	:	AND
	:	
ROBERT LEON McELROY	:	OPINION
	:	
Defendant-Appellant	:	

Date of Announcement of Decision:	DECEMBER 11, 2003
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Character of Proceeding:	Criminal appeal from Garfield Heights Municipal Court Case No. 03-TRD-33
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Judgment:	Appeal Dismissed.
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Date of Journalization:	
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Appearances:	
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For Plaintiff-Appellee:	JAMES McGRATH, IV 5407 Turney Road Room 201 Garfield Hts., Ohio 44125
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For Defendant-Appellant:	JAMES L. HARDIMAN, ESQ. 75 Public Square Building Suite 333 Cleveland, Ohio 44113
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JAMES J. SWEENEY, J.

{¶1} Defendant-appellant Robert Leon McElroy appeals from his conviction in the Garfield Heights Municipal Court for attempted failure to yield right-of-way to public safety vehicle, a minor misdemeanor. For the reasons that follow, we dismiss the appeal as moot.

{¶2} After a bench trial, the court found defendant guilty of the minor misdemeanor and imposed a \$100 fine. Defendant paid his fine on March 4, 2003. On March 28, 2003, defendant filed his notice of appeal. He assigns the following sole assignment of error for our review:

{¶3} "I. The trial court's finding that appellant was guilty of attempted failure to yield right-of-way to public safety vehicles pursuant to R.C. §2923.01 and R.C. 4511.45(A)(2) was contrary to the manifest weight of the evidence."

{¶4} "[W]here a criminal defendant, convicted of a misdemeanor, voluntarily satisfies the judgment imposed upon him or her 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 stemming from that conviction." *State v. Golston* (1994), 71 Ohio St.3d 224, 226, citing *State v. Wilson* (1975), 41 Ohio St.2d 236;

State v. Berndt (1987), 29 Ohio St.3d 3. The burden is on the defendant to establish that he has a "substantial stake in the judgment of conviction." *Id.*, citing *Wilson*, 41 Ohio St.2d at 237. While "the infamy and disgrace resulting from a felony conviction seriously affects a person's reputation and economic and social opportunities in our society[,] [t]he same stigma does not ordinarily attach to those who have been convicted of misdemeanor offenses." *Golston*, 71 Ohio St.3d at 227.

{¶5} In this appeal, defendant does not contend, nor did he provide any evidence from which we could infer, that he will suffer from any collateral legal disability or loss of civil rights stemming from this minor misdemeanor conviction.

The record reflects that defendant paid his fine on March 4, 2003. Accordingly, the appeal is moot. Accord *Cleveland v. Gould*, Cuyahoga App. No. 79214, 2002-Ohio-2724; *Cleveland v. Martin*, Cuyahoga App. No. 79896, 2002-Ohio-1652; *Cleveland v. Bawa* (June 13, 1996), Cuyahoga App. No. 69089.

{¶6} The appeal is dismissed.

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

It is ordered that a special mandate issue out of this Court directing the Garfield Heights Municipal Court to carry this judgment into execution.

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

KENNETH A. ROCCO, A.J., and

COLLEEN CONWAY COONEY, J., CONCUR.

JAMES J. SWEENEY
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. 112, Section 2(A)(1).