

[Cite as *State v. Cheris*, 2009-Ohio-5000.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 92492**

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**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**LOUIS CHERIS**

DEFENDANT-APPELLANT

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**JUDGMENT:  
DISMISSED**

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Criminal Appeal from the  
Cuyahoga County Court of Common Pleas  
Case Nos. CR-467780, CR-479962, and CR-484834

**BEFORE:** Gallagher, P.J., McMonagle, J., and Celebrezze, J.

**RELEASED:** September 24, 2009

**JOURNALIZED:**

**FOR APPELLANT**

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**ATTORNEYS FOR APPELLEE**

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Cuyahoga County Prosecutor

BY: Nick Giegerich  
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N.B. This entry is an announcement of the court's decision. See App.R. 22(B) 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(C) 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(C). See, also, S.Ct. Prac.R. II, Section 2(A)(1).

SEAN C. GALLAGHER, P.J.:

{¶ 1} Appellant, Louis Cheris, pro se, appeals an order of the trial court denying credit against his prison sentence. For the reasons adduced below, we dismiss the appeal as moot.

{¶ 2} On or about May 20, 2008, Cheris was found to be in violation of community control sanctions in Cuyahoga County Court of Common Pleas case numbers CR-467780, CR-479962, and CR-484834. The trial court imposed a prison sentence in each case, to run concurrently, for a total period of 18 months plus three years of post-release control. Cheris was given jail time credit of 309 days.

{¶ 3} Cheris filed a motion for jail time credit, seeking an additional 90 days of jail time credit for time spent at North Coast Behavioral Hospital (“NCBH”). Cheris was sent to NCBH for a court-ordered competency evaluation following an earlier violation of court-supervised release. The trial court denied Cheris’s motion for jail time credit.

{¶ 4} Cheris has appealed the trial court’s ruling. He raises one assignment of error that challenges the denial of his motion for jail time credit for the time he spent at NCBH.

{¶ 5} A review of the record indicates that Cheris has fully served his sentence and has been released from prison. Accordingly, he has served his time and whether he was entitled to jail time credit for the time he spent at

NCBH is a moot issue. See, e.g., *State v. Warren*, Cuyahoga App. No. 91656, 2009-Ohio-1882; *Cleveland v. Pavlick*, Cuyahoga App. No. 91232, 2008-Ohio-6164; *State ex rel. Austin v. McFaul*, Cuyahoga App. No. 89962, 2007-Ohio-4167.

Appeal dismissed.

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

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

SEAN C. GALLAGHER, PRESIDING JUDGE

CHRISTINE T. MCMONAGLE, J., and  
FRANK D. CELEBREZZE, JR., J., CONCUR