

[Cite as *State v. Broom*, 2010-Ohio-3594.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 92783

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

COLLIE BROOM

DEFENDANT-APPELLANT

**JUDGMENT:
DISMISSED**

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case Nos. CR-509484 and CR-511161

BEFORE: Cooney, J., McMonagle, P.J., and Stewart, J.

RELEASED AND JOURNALIZED: August 5, 2010

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COLLEEN CONWAY COONEY, J.:

{¶ 1} Defendant-appellant, Collie Broom (“Broom”), appeals the trial court’s imposition of consecutive sentences for his attempted aggravated vehicular homicide and drug trafficking convictions. However, because Broom has completed serving his sentences, we dismiss this appeal as moot.

{¶ 2} This appeal arises out of two separate criminal cases. In February 2008, Broom was charged with two counts of aggravated vehicular homicide and

one count of failure to stop after accident in Case No. CR-511161. In April 2008, Broom was charged with one count each of possession of drugs, drug trafficking, and possessing criminal tools in Case No. CR-509484.

{¶ 3} In December 2008, Broom entered into a plea agreement pursuant to which he pled guilty to one count of attempted aggravated vehicular homicide and one count of drug trafficking, he agreed to the imposition of a prison term to be determined by the trial court, and the State nolleed the remaining charges.

{¶ 4} A week later, the trial court sentenced Broom in both cases to consecutive prison terms of one year for attempted aggravated vehicular homicide and eleven months for drug trafficking, with credit for time served. In February 2009, Broom filed a motion for leave to file a delayed appeal, which this court granted.

{¶ 5} In his appeal, Broom challenges only the consecutive nature of his sentences and not his convictions. He was sentenced on December 17, 2008 and was given credit for time served. He was incarcerated from July 16, 2008 until his release from prison on June 11, 2010. Thus, from all indications, Broom has completed his sentence.

{¶ 6} In the case at bar, Broom is not appealing any issue related to his underlying convictions nor the range of his sentence. Rather, he is appealing only the consecutive sentences he received in two separate cases. Therefore,

because Broom has already served his sentence, his sole assignment of error challenging the consecutive nature of his sentences is now moot.

{¶ 7} Accordingly, this appeal is 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.

COLLEEN CONWAY COONEY, JUDGE

CHRISTINE T. McMONAGLE, P.J., and
MELODY J. STEWART, J., CONCUR