

[Cite as *State v. Drew*, 2016-Ohio-5252.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 103959

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**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**RAMEL DREW**

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-01-407871-B, CR-01-411525-E and CR-01-412166-ZA

**BEFORE:** E.A. Gallagher, P.J., Stewart, J., and Celebrezze, J.

**RELEASED AND JOURNALIZED:** August 4, 2016

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EILEEN A. GALLAGHER, P.J.:

{¶1} Defendant-appellant Ramel Drew appeals the decision of the Cuyahoga County Court of Common Pleas denying his motion to “correct void sentence / terminate postrelease control.” For the following reasons, we dismiss the appeal because it is moot.

### **Facts and Procedural Background**

{¶2} On January 28, 2002, Drew pled guilty to involuntary manslaughter with a three-year firearm specification and three counts of felonious assault.<sup>1</sup> Pursuant to an agreed sentence, the trial court imposed a ten-year prison term on the involuntary manslaughter charge (three years for the firearm specification to be served prior to and consecutive with seven years on the base charge) and three-year prison terms for each count of felonious assault. The trial court ordered the felonious assault prison terms to be served concurrently but consecutive to the ten-year prison term for involuntary manslaughter. Although the trial court did not advise Drew of postrelease control at the time of his plea, nor at the sentencing hearing, the court’s journal entry imposed postrelease control for the maximum period allowed for the above felonies under R.C. 2967.28.

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<sup>1</sup>On the same date Drew also entered guilty pleas in two separate cases to trafficking in cocaine and kidnapping but those cases are not the subject of the present appeal.

{¶3} On August 19, 2014, the trial court held a resentencing hearing for the purpose of properly imposing postrelease control. The trial court imposed five years of mandatory postrelease control for Drew's involuntary manslaughter count and three years of mandatory postrelease control for each of Drew's felonious assault counts.

{¶4} On November 16, 2015 Drew filed a motion to vacate postrelease control arguing that the correction of the trial court's failure to advise him of postrelease control at his original sentencing hearing was a violation of double jeopardy. He further filed a motion to "correct void sentence-terminate postrelease control" on November 18, 2015. The trial court denied Drew's motion on December 1, 2015.

### **Law and Analysis**

{¶5} In his first and second assignments of error, Drew argues that he was denied due process of law and subjected to an increased penalty when the trial court imposed postrelease control at a corrective hearing after failing to orally impose postrelease control at his sentencing hearing. Drew further argues that the correction of postrelease control omissions violates double jeopardy. In his third assignment of error, Drew argues that he was denied effective assistance of counsel. Drew argues that the appointed counsel was not the same counsel who had represented him in the original proceedings in 2002 and did nothing other than stand next to him at the hearing.

{¶6} During the pendency of this appeal, Drew was convicted of a new offense in Cuyahoga C.P. No. CR-15-600497. As part of Drew's sentence in that case, the trial

court terminated postrelease control in the present case. Therefore, Drew's assignments of error are moot.

{¶7} Case dismissed as moot.

. It is ordered that appellee recover from appellant the costs herein taxed.

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

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EILEEN A. GALLAGHER, PRESIDING JUDGE

MELODY J. STEWART, J., and  
FRANK D. CELEBREZZE, JR., J., CONCUR