

[Cite as *State v. Krouskoupf*, 2010-Ohio-5091.]

COURT OF APPEALS
MUSKINGUM COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

SHAWN M. KROUSKOUPF

Defendant-Appellant

JUDGES:

Hon. Julie A. Edwards, P. J.

Hon. John W. Wise, J.

Hon. Patricia A. Delaney, J.

Case No. CT2009-0054

O P I N I O N

CHARACTER OF PROCEEDING:

Criminal Appeal from the Court of Common
Pleas, Case No. CR2009-0038

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

October 15, 2010

APPEARANCES:

For Plaintiff-Appellee

D. MICHAEL HADDOX
PROSECUTING ATTORNEY
RONALD L. WELCH
ASSISTANT PROSECUTOR
27 North Fifth Street
Zanesville, Ohio 43701

For Defendant-Appellant

SAM B. WEINER
SAMUEL B. WEINER CO., LPA
743 South Front Street
Columbus, Ohio 43206

Wise, J.

{¶1} Appellant Shawn M. Krouskoupf appeals from his conviction, in the Muskingum County Court of Common Pleas, on several drug offenses. The Appellee is the State of Ohio. The relevant facts leading to this appeal are as follows

{¶2} On October 8, 2009, appellant pled no contest to five counts of aggravated trafficking in cocaine, one count of possession of cocaine, and one count of having a weapon while under a disability. Appellant entered his pleas subsequent to the trial court's overruling of his motion to suppress evidence. On November 16, 2009, the court sentenced appellant to an aggregate prison term of nine years.

{¶3} On November 30, 2009, appellant filed a notice of appeal. He herein raises the following sole Assignment of Error:

{¶4} "I. THE TRIAL COURT ERRED WHEN IT OVERRULED THE DEFENDANT'S MOTION TO SUPPRESS EVIDENCE SINCE THE WARRANT WAS NOT BASED UPON SUFFICIENT PROBABLE CAUSE."

I.

{¶5} In his sole Assignment of Error, appellant challenges the trial court's denial of his motion to suppress. However, on September 22, 2010, appellant and the State of Ohio filed a joint request to dismiss the present appeal. See App.R. 28. As an appellate court, we are not required to issue an advisory or merely academic ruling. See, e.g., *In re Merryman/Wilson Children*, Stark App.Nos. 2004 CA 00056 and 2004 CA 00071,

2004-Ohio-3174, ¶ 59, citing *State v. Bistricky* (1990), 66 Ohio App.3d 395, 584 N.E.2d 75.¹

{¶6} We therefore will not reach the merits of appellant’s Assignment of Error.

{¶7} For the reasons stated in the foregoing opinion, the appeal of the decision of the Court of Common Pleas, Muskingum County, Ohio, is hereby dismissed.

By: Wise, J.

Edwards, P. J., and

Delaney, J., concur.

JUDGES

JWW/d 0929

¹ Ordinarily, we would not issue a dismissal decision of this nature in a memorandum opinion. See App.R. 12(A). However, in this instance the written request to dismiss was not filed until approximately five weeks after the scheduled oral argument.

