

[Cite as *State v. Billiter*, 2011-Ohio-637.]

COURT OF APPEALS  
TUSCARAWAS COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

FRED BILLITER

Defendant-Appellant

JUDGES:

Hon. William B. Hoffman, P.J.

Hon. Sheila G. Farmer, J.

Hon. Patricia A. Delaney, J.

Case No. 10AP080028

OPINION

CHARACTER OF PROCEEDING:

Appeal from the Tuscarawas County  
Common Pleas Court, Case No.  
1999CR080159

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

February 10, 2011

APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

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Prosecuting Attorney

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15708 McConnellsville Road  
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*Hoffman, P.J.*

{¶1} Defendant-appellant Fred Billiter, Jr. appeals the August 2, 2010 Judgment Entry entered by the Tuscarawas County Court of Common Pleas, which denied his Motion for Reconsideration of the Court's July 12, 2010 Judgment Entry, overruling his Motion De Novo for Resentencing. The State of Ohio is plaintiff-appellee.

{¶2} In his brief to this Court Appellant states the trial court has since held the requested de novo resentencing hearing pursuant to *State v. Singleton*, 2009-Ohio-6434. Accordingly, we find Appellant's appeal to be moot and order it dismissed.

By: Hoffman, P.J.

Farmer, J. and

Delaney, J. concur

s/ William B. Hoffman  
HON. WILLIAM B. HOFFMAN

s/ Sheila G. Farmer  
HON. SHEILA G. FARMER

s/ Patricia A. Delaney  
HON. PATRICIA A. DELANEY

IN THE COURT OF APPEALS FOR TUSCARAWAS COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	
	:	
-vs-	:	JUDGMENT ENTRY
	:	
FRED BILLITER	:	
	:	
Defendant-Appellant	:	Case No. 10AP080028

For the reason set forth in our accompanying Opinion, Appellant's appeal is dismissed as moot. Costs waived.

s/ William B. Hoffman  
HON. WILLIAM B. HOFFMAN

s/ Sheila G. Farmer  
HON. SHEILA G. FARMER

s/ Patricia A. Delaney  
HON. PATRICIA A. DELANEY