

STATE OF OHIO, COLUMBIANA COUNTY  
IN THE COURT OF APPEALS  
SEVENTH DISTRICT

STATE OF OHIO, )  
 ) CASE NO. 99-CO-75  
 )  
 ) PLAINTIFF-APPELLEE, )  
 )  
 ) OPINION  
VS. ) AND  
 ) JOURNAL ENTRY  
 )  
COREY M. MCKINNON, )  
 )  
 )  
 ) DEFENDANT-APPELLANT. )

CHARACTER OF PROCEEDINGS: Petition for  
post-conviction relief

JUDGMENT: Dismissed

APPEARANCES:

For Plaintiff-Appellee: Robert L. Herron  
Prosecuting Attorney  
Timothy J. McNicol  
Assistant Prosecuting Attorney  
105 South Market Street  
Lisbon, Ohio 44432

For Defendant-Appellant: Atty. Melody Calhoun  
124-D West Lincoln  
P.O. Box 365  
Lisbon, Ohio 44432

JUDGES:

Hon. Gene Donofrio  
Hon. Joseph J. Vukovich  
Hon. Cheryl L. Waite

Dated: March 15, 2001

PER CURIAM.

Defendant-appellant, Corey M. McKinnon, appeals a decision of the Columbiana County Common Pleas Court denying his petition for post-conviction relief.

On December 15, 1998, appellant was convicted of rape in violation of R.C. 2907.02(A)(2). On January 22, 1999, appellant filed a motion for new trial alleging prosecutorial misconduct. Specifically, appellant alleged that the prosecution had failed in its duty to disclose evidence which was favorable to him. The trial court overruled the motion.

Appellant assigned this as error in his direct appeal before this court under Case Number 99-CO-11. On January 29, 2001, this court found merit to appellant's argument and reversed the trial court's decision, vacated appellant's conviction, and remanded the case for a new trial. Accordingly, the appeal from the denial of his petition for post-conviction relief is moot.

This appeal is hereby dismissed, as moot.

Donofrio, J., concurs

Vukovich, J., concurs

Waite, J., concurs