

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
MAHONING COUNTY

STATE OF OHIO,

Plaintiff-Appellee,

v.

EARL L. CHARITY III,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY
Case No. 19 MA 0001

Motion to Reopen

BEFORE:

Gene Donofrio, Carol Ann Robb, David A. D'Apolito, Judges.

JUDGMENT:

Denied

Atty. Paul Gains, Mahoning County Prosecutor and *Atty. Ralph Rivera*, Assistant Prosecutor, Mahoning County Prosecutor's Office, 21 West Boardman Street, 6th Floor, Youngstown, Ohio 44503, for Plaintiff-Appellee and

Atty. Lynn Maro, Maro & Schoenike Co., 7081 West Boulevard, Suite 4, Youngstown, Ohio 44512, for Defendant-Appellant.

Dated: September 28, 2020

PER CURIAM.

Defendant-appellant, Earl Charity, III, has filed a supplement to his application to reopen his direct appeal from his conviction of aggravated murder and a firearm specification. *State v. Charity*, 7th Dist. Mahoning No. 19 MA 0001, 2019-Ohio-5252. For the following reasons, the supplement to the application is denied.

Our judgment in appellant's direct appeal was filed on December 11, 2019. Appellant timely filed his application to reopen his direct appeal on March 4, 2020. Plaintiff-appellee, the State of Ohio, did not file a response to appellant's application. We then addressed appellant's application and denied it on May 29, 2020. *State v. Charity*, 7th Dist. Mahoning No. 19 MA 0001, 2020-Ohio-3162.

As of May 29, 2020, appellant's application to reopen his appeal is no longer pending before this court. Appellant filed the supplement to his application on June 18, 2020. Thus, appellant is attempting to supplement an application that is no longer pending before this court. Because appellant is attempting to supplement an application that is no longer pending before this court, the supplement is moot.

For the reasons stated above, appellant's supplement to his application to reopen his appeal is hereby denied as moot.

JUDGE GENE DONOFRIO

JUDGE CAROL ANN ROBB

JUDGE DAVID A. D'APOLITO

NOTICE TO COUNSEL

This document constitutes a final judgment entry.