

[Cite as *State v. Stanton*, 2004-Ohio-6305.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 84339

STATE OF OHIO :
 :
 Plaintiff-Appellee : JOURNAL ENTRY
 :
 -VS- : AND
 :
 JEROD STANTON : OPINION
 :
 Defendant-Appellant :

Date of Announcement
of Decision: NOVEMBER 24, 2004

Character of Proceeding: Criminal appeal from
Court of Common Pleas
Case No. CR-439892

Judgment: Appeal dismissed.

Date of Journalization:

Appearances:

For Plaintiff-Appellee: WILLIAM D. MASON
Cuyahoga County Prosecutor
PATRICK J. LAVELLE, Assistant
Prosecuting Attorney
1200 Ontario Street
Cleveland, Ohio 44113

For Defendant-Appellant: ROBERT L. TOBIK
Cuyahoga County Public Defender

ROBERT M. INGERSOLL, Assistant
Public Defender
100 Lakeside Place
1200 West Third Street
Cleveland, Ohio 44113

JAMES J. SWEENEY, J.:

{¶ 1} Defendant-appellant Jerod Stanton (“defendant”) appeals the sentence imposed upon him by the trial court. For the reasons that follow, we dismiss this appeal as moot.

{¶ 2} In his sole assignment of error defendant challenges his prison sentence as being contrary to law. Defendant pled guilty to trafficking in drugs (count one) and possession of drugs (count three). In February 2004, the trial court ordered defendant to serve a ten-month prison term on count one and a concurrent six- month prison term on count three. On June 21, 2004, the trial court granted defendant placement into a transitional control program. Thus, we decline to address the propriety of the prison sentence imposed by the trial court since it is moot. See *State v. Hess*, Cuyahoga App. No. 83819, 2004-Ohio-5214, ¶16, citing *State v. Blivens* (Sept. 30, 1999), Lake App. No. 98-L-189 and *State v. Bailey* (Nov. 16, 2000), Cuyahoga App. No. 76685.

Appeal dismissed as moot.

It is ordered that appellee recover of appellant its costs herein taxed.

It is ordered that a special mandate issue out of this Court directing the Court of Common Pleas to carry this judgment into execution.

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

ANN DYKE, P.J., and

KENNETH A. ROCCO, J., CONCUR.

JAMES J. SWEENEY
JUDGE

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also, S.Ct.Prac.R. 112, Section 2(A)(1).