

[Cite as *State v. Brooks*, 2010-Ohio-1872.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 93857**

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**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**KENNETH BROOKS**

DEFENDANT-APPELLANT

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**JUDGMENT:  
DISMISSED**

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Criminal Appeal from the  
Cuyahoga County Court of Common Pleas  
Case No. CR-358425

**BEFORE:** Kilbane, P.J., Sweeney, J., and Cooney, J.

**RELEASED:** April 29, 2010

**JOURNALIZED:**

## **APPELLANT**

Kenneth Brooks  
Inmate No. 356-595  
Noble Correctional Institution  
15708 McConnellsville Road  
Caldwell, Ohio 43724

## **ATTORNEYS FOR APPELLEES**

William D. Mason  
Cuyahoga County Prosecutor  
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Assistant County Prosecutor  
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N.B. This entry is an announcement of the court's decision. See App.R. 22(B) 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(C) unless a motion for reconsideration with supporting brief per App.R. 26(A), or a motion for consideration en banc with supporting brief per Loc.App.R. 25.1(B)(2), is filed within ten 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(C). See, also, S.Ct. Prac.R. 2.2(A)(1).

MARY EILEEN KILBANE, P.J.:

{¶ 1} Appellant, Kenneth Brooks (“Brooks”), has appealed from the trial court’s August 3, 2009 journal entry that granted his motion for jail-time credit in part. Brooks sought credit for 195 days, and was granted only five days of credit.

{¶ 2} According to the Ohio Department of Rehabilitation and Corrections (“DRC”), Brooks completed his prison sentence and was released on February 26, 2010. Consequently, Brook’s instant appeal for jail-time credit is moot as he has served his full sentence. See *State v. Cheris*, 8th Dist. No. 92492, 2009-Ohio-5000, citing *State v. Warren*, 8th Dist. No. 91656, 2009-Ohio-1882. This court may take judicial notice of mootness. *State ex rel. Whiteman v. Comstock*, 8th Dist. No. 93642, 2009-Ohio-5231, citing *Pewitt v. Lorain Correctional Inst.*, 64 Ohio St.3d 470, 472, 1992-Ohio-91, 597 N.E.2d 92.

{¶ 3} In light of the information from the DRC that Brooks has served his full sentence, we find his appeal to be moot.

Appeal dismissed.

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

It is ordered that a special mandate be sent to said court 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.

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MARY EILEEN KILBANE, PRESIDING JUDGE

JAMES J. SWEENEY, J., and  
COLLEEN CONWAY COONEY, J., CONCUR