

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-220082
	:	TRIAL NO. B-1902819
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
KENNY TOWNSEND,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Kenny Townsend appeals from the trial court’s judgment sentencing him to 42 months in prison. Both of Townsend’s assignments of error challenge the length of his prison sentences.

Where a defendant has served his prison sentence, and the defendant’s appeal challenges only the length of his prison sentence, the appeal is moot, because even if the appeal is deemed meritorious, an appellate court cannot provide a remedy. *State v. Ysrael*, 1st Dist. Hamilton No. C-140148, 2015-Ohio-332, ¶ 13. “ ‘ In the criminal sentence context, it is a recognition that once the defendant has been released from prison on a sentence that is challenged on appeal, there is no way the court of appeals can give him back the time served in prison.’ ” *State v. Carr*, 1st Dist. Hamilton No. C-140172, 2015-Ohio-2529, ¶ 9, quoting *State v. Portis*, 2d Dist. Clark No. 2010-CA-95, 2011-Ohio-2429, ¶ 18.

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According to the judgment of conviction entered on September 30, 2021, Townsend was sentenced to 42 months in prison with credit for 858 days of time served. Therefore, Townsend has served his prison sentences by the submission date of this appeal.

Accordingly, we dismiss Townsend's appeal as moot.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**ZAYAS, P.J, CROUSE and WINKLER, JJ.**

To the clerk:

Enter upon the journal of the court on December 7, 2022  
per order of the court \_\_\_\_\_.

Administrative Judge