

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

STATE OF OHIO,	:	APPEAL NOS. C-240432
		C-240433
Plaintiff-Appellee,	:	TRIAL NOS. B-1706761
		B-2202308
vs.	:	
FRANKLIN OGLESBY,	:	
		<i>JUDGMENT ENTRY</i>
Defendant-Appellant.	:	

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

In 2017, defendant-appellant Franklin Oglesby was charged with four counts of theft under R.C. 2913.02(A)(1), felonies of the fifth degree, and in 2018, he pleaded guilty. The trial court sentenced Oglesby to community control, with the condition that he pay approximately \$16,800 in restitution to Kroger. Oglesby did not make any restitution payments before 2020, and prior to 2023, he only made six payments, consisting of \$20 each, towards the total restitution amount. Due to his failure to pay, the trial court found that Oglesby violated his community control in 2019, 2021, 2022, and 2023. Along with his failure to make meaningful payments towards the restitution, the trial court found that Oglesby violated his community control in 2019 and 2022 when he was charged with additional crimes.

In 2022, Oglesby pleaded guilty to another count of theft under R.C. 2913.02(A)(1), a felony of the fourth degree. Upon his plea, the trial court sentenced

**OHIO FIRST DISTRICT COURT OF APPEALS**

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Oglesby to community control and ordered him to pay approximately \$24,000 in restitution to Home Depot. Along with the violation filed in his 2017 case, the State also alleged in 2023 that he violated his community control in the 2022 case when he failed to make consistent restitution payments.

At the hearing for the 2023 violation, Oglesby explained that he failed to make the necessary payments in both cases because he had been incarcerated in another Ohio county and had an additional “holder” in Kentucky. He also informed the trial court that he received a large lump sum of money from his father’s estate, which he intended to pay towards the restitutions. The trial court continued the violation hearing to a later date so that Oglesby could resolve his other legal issues. When that date came around in October 2023, Oglesby informed the trial court that his mother allegedly used the estate money he intended to pay the restitutions with, to pay his other bills related to his lawncare business.

The trial court deferred Oglesby’s sentencing on the violations. It did so specifically to allow Oglesby time to obtain employment and start making “significant” payments towards his restitutions. However, Oglesby’s main source of income was his lawncare business, which he was unable to make meaningful income from once the summer season concluded. Thus, he could not make “significant” contributions to the total restitution amounts he owed. When the sentencing hearing came around on June 26, 2024, the trial court revoked Oglesby’s community control and sentenced him to six months imprisonment in his 2017 case and 18 months imprisonment in his 2022 case, and it ordered that those sentences run concurrently. The trial court credited Oglesby with 368 days and 370 days for time served in his 2017 and 2022 cases, respectively. Due to the number of days the court credited him, Oglesby only had approximately six months left to serve.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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Oglesby now appeals to this court, asserting one assignment of error, arguing that the trial court erred when it found that he was not making good faith efforts to pay his restitutions and that it did not properly preserve a prison sentence in his 2017 case.

However, the State notes that Oglesby was released from prison on or around December 21, 2024, and there is no other evidence indicating the Oglesby is under any postrelease control. Because his appeals solely pertain to his prison sentences and not the underlying charges, Oglesby’s appeals are moot. *See State v. Romine*, 2016-Ohio-5308, ¶ 12 (4th Dist.), citing *State v. Popov*, 2011-Ohio-372, ¶ 6 (4th Dist.), quoting *State v. Bostic*, 2005-Ohio-2184, ¶ 22 (8th Dist.), quoting *State v. Beamon*, 2001-Ohio-8712, \*1 (11th Dist.) (“[A]nd no relief can be granted subsequent to the completion of the sentence if the underlying conviction itself is not at issue.”).

Based on the foregoing analysis, Oglesby’s appeals are dismissed as moot.

The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

**KINSLEY, P.J., ZAYAS and NESTOR, JJ.**

**To the clerk:**

**Enter upon the journal of the court on 5/16/2025 per order of the court.**

By:   
Administrative Judge