

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

STATE OF OHIO,	:	APPEAL NO. C-240639
	:	TRIAL NO. 24/CRB/15757/A
Plaintiff-Appellant,	:	
vs.	:	
	:	<i>JUDGMENT ENTRY</i>
KAHSSIM SOUARE,	:	
Defendant-Appellee.	:	

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.

Plaintiff-appellant the State of Ohio, through the City of Cincinnati, appeals the judgment of the Hamilton County Municipal Court granting defendant-appellee Kahssim Souare’s motion for the return of his impounded vehicle and waiving the fees imposed by the City for the vehicle’s impoundment and storage. Cincinnati Municipal Code Chapter 513 establishes a process for the impoundment of stolen and unlawfully-parked vehicles that includes the imposition of impound fees. *See* Cincinnati Mun.Code 513-1(A), 513-7(a). The City originally impounded Souare’s vehicle after he was alleged to have unlawfully parked it. It again impounded Souare’s vehicle after he was charged with criminal trespass and obstruction of official business. These charges arise from the allegation that Souare broke into the impound lot and unlawfully retrieved his car.

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The trial court granted Souare’s motion for the return of his vehicle following the second impoundment. It also granted his request to waive the administrative impound fees. Both parties agree that, on the same day the trial court granted relief to Souare, the City returned Souare’s car to him. The parties also agree that Souare did not pay any outstanding impound fees in accordance with the trial court’s order.

Because the trial court’s order has been fully executed, no live controversy exists between the parties in the context of this action. This appeal is therefore moot. *See M.R. v. Niesen*, 2022-Ohio-1130, ¶ 10.

The City argues that the matter should still be resolved because the dispute is capable of repetition but evades review. An issue falls within this exception to the mootness doctrine if “(1) the challenged action is in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there is a reasonable expectation that *the same complaining party* will be subjected to the same action again.” (Emphasis added.) *Id.* at ¶ 11. We cannot reasonably expect that Souare’s car will be impounded again. To do so, we would have to assume it likely that either he or some other person would violate the law. We cannot make that assumption.

This appeal is accordingly dismissed as moot. The finding of mootness pertains solely to this dispute between the parties and not to any potential future administrative or civil proceeding the City may institute.

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:

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Enter upon the journal of the court on 5/8/2025 per order of the court.

By: 
Administrative Judge