

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

STATE OF OHIO,	:	APPEAL NO. C-100368
Plaintiff-Appellee,	:	TRIAL NO. C-08CRB-24348
vs.	:	<i>JUDGMENT ENTRY.</i>
BUTLER OBASOGIE,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar. This judgment entry is not an opinion of the court.¹

Defendant-appellant Butler Obasogie appeals from the trial court’s denial of his motion for a new trial. Following a 2008 bench trial in the Hamilton County Municipal Court, Obasogie was convicted of domestic violence, punishable as a first-degree misdemeanor. The trial court imposed a 180-day sentence of incarceration and a \$100 fine plus court costs, and it placed Obasogie on community control for a period of one year and five months, including anger-management and alcohol-abuse education. The trial court suspended 179 days of the period of incarceration and credited Obasogie with having served one day.

Obasogie did not seek to stay the execution of the sentence and did not appeal from the sentence. In May 2010, following an evidentiary hearing on Obasogie’s new-trial motion, the trial court denied the motion, and this appeal followed.

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

Under Ohio’s misdemeanor-mootness doctrine, however, this appeal is moot.² Where a defendant convicted of a misdemeanor voluntarily satisfies the judgment imposed upon him for that offense, an appeal of that conviction is moot unless the defendant has offered evidence from which an inference can be drawn that he will suffer some collateral disability or loss of civil rights stemming from the conviction.³

Obasogie, whose community control was terminated in June 2009, has voluntarily satisfied the judgment imposed upon him. And he has not offered evidence from which a reasonable inference can be drawn that he will suffer some collateral disability or loss of civil rights stemming from the conviction.⁴ Obasogie’s unsubstantiated assertion that he has been denied promotions “probably because of [a] background [check]” does not create a reasonable inference that he has suffered a collateral disability as a result of his domestic-violence conviction, particularly in light of his two previous convictions for operating a motor vehicle while impaired, his continued employment by the Internal Revenue Service as a tax examiner technician, and his continuing service in the United States Army Reserve. His contention that he may be denied a visa for foreign travel in the future is too speculative to support an inference of a substantial and individualized impairment derived from the domestic-violence conviction.⁵

Therefore, we do not reach Obasogie’s single assignment of error, in which he contests the denial of his new-trial motion.

The appeal is dismissed.⁶

² See *State v. Berndt* (1987), 29 Ohio St.3d 3, 4, 504 N.E.2d 712; see, also, *In re S.J.K.*, 114 Ohio St.3d 23, 2007-Ohio-2621, 867 N.E.2d 408, ¶9.

³ See *State v. Berndt*, 29 Ohio St.3d at 4, 504 N.E.2d 712; see, also, *State v. Welsh* (Apr. 17, 1998), 1st Dist. No. C-970032.

⁴ See *id.*

⁵ See *State v. Welsh*.

⁶ See *State v. Berndt*, 29 Ohio St.3d at 5, 504 N.E.2d 712.

OHIO FIRST DISTRICT COURT OF APPEALS

Further, 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.

SUNDERMANN, P.J., HENDON and CUNNINGHAM, J.J.

To the Clerk:

Enter upon the Journal of the Court on April 15, 2011

per order of the Court _____.
Presiding Judge