

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-12-1222

Appellee

Trial Court No. CR0200402741

v.

Tyrice Hill

DECISION AND JUDGMENT

Appellant

Decided: April 26, 2013

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and
David F. Cooper, Assistant Prosecuting Attorney, for appellee.

Tyrice A. Hill, pro se.

* * * * *

OSOWIK, J.

{¶ 1} This is a pro se accelerated appeal from a judgment of the Lucas County Court of Common Pleas that denied appellant's post-sentence motion to withdraw a guilty plea. For the reasons set forth below, this appeal is dismissed.

{¶ 2} Appellant sets forth the following assignments of error:

First Assignment of Error: It is constituted error to deny appellant's petition on res judicata grounds.

Second Assignment of Error: The Trial Court erred by applying the wrong standard of proof to his petition for postconviction relief.

{¶ 3} This is an appeal from the denial of appellant's sixth motion to withdraw the guilty plea he entered in 2005 to three counts of aggravated robbery after he confessed to a total of six armed robberies in the Toledo, Ohio, area. After appellant was sentenced, he filed an appeal of his sentences and convictions. This court affirmed, although the matter was later remanded for resentencing. *See State v. Hill*, 6th Dist. No. L-05-1080, 2006-Ohio-859. Over the course of the next seven years, the trial court denied five motions to withdraw his guilty plea. Each time, this court has affirmed the trial court. Appellant's sixth motion to withdraw his guilty plea, which is the subject of this appeal, was filed in the trial court on May 14, 2012, pursuant to Crim.R. 32.1.

{¶ 4} In affirming the denial of appellant's fourth motion to withdraw his guilty plea, this court relied on *State ex rel. Special Prosecutors v. Judges, Court of Common Pleas* (1978), 55 Ohio St.2d 94, 378 N.E.2d 162, which states that "Crim.R. 32.1 does not vest jurisdiction in the trial court to maintain and determine a motion to withdraw the guilty plea subsequent to an appeal and an affirmance by the appellate court." We therefore found that the trial court's ruling on appellant's motion to withdraw his guilty plea rendered after his conviction was affirmed on appeal was void and that no appeal

can be taken from a void judgment. *State v. Hill*, 6th Dist. No. L-09-1226, 2009-Ohio-5187. Three years later, on authority of our 2009 decision, we dismissed appellant's appeal from the trial court's denial of his fifth motion to withdraw his guilty plea. *State v. Hill*, 6th Dist. No. L-10-1263, 2012-Ohio-1103.

{¶ 5} On the authority of *State v. Hill*, appellant's first and second assignments of error are found not well-taken.

{¶ 6} On consideration whereof, this appeal is dismissed at appellant's costs.

Appeal dismissed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. *See also* 6th Dist.Loc.App.R. 4.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, P.J.

JUDGE

Thomas J. Osowik, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.