

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

STATE OF OHIO,	:	APPEAL NO. C-150094
Plaintiff-Appellee,	:	TRIAL NO. B-1001337
vs.	:	<i>JUDGMENT ENTRY.</i>
KEENAN CHILDS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Keenan Childs appeals from the Hamilton County Common Pleas Court’s judgment overruling his postconviction motion for resentencing. We affirm the court’s judgment as modified.

Childs was convicted in 2011 upon guilty pleas to felonious assault, having weapons under a disability, and carrying a concealed weapon. He did not appeal his convictions. Instead, in 2014, he filed a postconviction motion captioned “Motion for Resentencing Based on Void Judgment.” In this appeal, he advances a single assignment of error challenging the denial of the relief sought in that motion. We overrule the assignment of error, because the common pleas court had no jurisdiction to entertain the motion.

Childs did not designate in his motion a statute or rule under which he might be afforded the relief sought. R.C. 2953.21 et seq., governing the proceedings upon a postconviction petition, provide “the exclusive remedy by which a person may bring a collateral challenge to the validity of a conviction or sentence in a criminal case.” See R.C. 2953.21(J). Therefore, the motion was reviewable under the standards provided by the postconviction statutes. See *State v. Schlee*, 117 Ohio St.3d 153, 2008-Ohio-545, 882 N.E.2d 431, ¶ 12. But the postconviction statutes did not confer upon the common pleas court jurisdiction to entertain the motion, because Childs failed to satisfy the time restrictions of R.C. 2953.21(A)(2) or the jurisdictional requirements of R.C. 2953.23.

Nor were Childs’s postconviction claims reviewable under a court’s jurisdiction to correct a void judgment. See *State ex rel. Cruzado v. Zaleski*, 111 Ohio St.3d 353, 2006-Ohio-5795, 856 N.E.2d 263, ¶ 18-19. In sentencing him for the first-degree felony of felonious assault, the trial court fully complied with the statutory mandates concerning postrelease control. See former R.C. 2929.14(F)(1), 2929.19(B)(3)(c) through (e), and 2967.28(B) (superseded on September 30, 2011, by R.C. 2929.14(D)(1), 2929.19(B)(2)(c) through (e), and 2967.28(B)). And because any discretionary period of postrelease control that might be imposed for Childs’s two weapons offenses would be served concurrently with the mandatory period of postrelease control imposed for felonious assault, see R.C. 2967.28(F)(4)(c), the trial court’s error in failing to notify him concerning postrelease control with respect to the weapons offenses was harmless. See *State v. Buckner*, 1st Dist. Hamilton No. C-100666, 2011-Ohio-4358, ¶ 16-18.

The common pleas court had no jurisdiction to entertain Childs’s motion for resentencing. The motion was, therefore, subject to dismissal. See R.C. 2953.21(C) and 2953.23(A). Accordingly, upon the authority of App.R. 12(A)(1)(a), we modify the

OHIO FIRST DISTRICT COURT OF APPEALS

judgment appealed from to reflect the dismissal of the motion. And we affirm the judgment as modified.

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.

FISCHER, P.J., HENDON and CUNNINGHAM, JJ.

To the clerk:

Enter upon the journal of the court on May 13, 2016
per order of the court. _____.

Presiding Judge