

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

State of Ohio

Court of Appeals No. L-18-1081

Appellee

Trial Court No. CR0200402741

v.

Tyrice Hill

DECISION AND JUDGMENT

Appellant

Decided: December 14, 2018

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and
Evy M. Jarrett, Lucas County Assistant Prosecuting Attorney,
for appellee.

Tyrice Hill, pro se appellant.

* * * * *

OSOWIK, J.

{¶ 1} This is an accelerated appeal from a March 21, 2018 judgment of the Lucas County Court of Common Pleas, denying appellant's pro se motions in connection to

appellant's underlying 2005 felony convictions for committing a series of armed robberies of Toledo area businesses during the summer of 2004.

{¶ 2} We note at the outset that appellant's claims of prejudicial error in connection to this case have been presented in numerous prior cases before this court. The claims have been considered and rejected by this court on seven prior occasions.

{¶ 3} The instant case pertains to appellant's October 30, 2017 pro se motions, again alleging that the case was prejudicial and compromised. On March 21, 2018, the motions were denied. For the reasons set forth below, this court affirms the judgment of the trial court.

{¶ 4} Pro se appellant, Tyrice Hill, sets forth the following two assignments of error:

The nunc pro tunc judgment entries use[d] to vacate the PRC sanction of 874 days exceeded what a nunc pro tunc is authorized to correct.

Vacating the 874 days for violating PRC through the nunc pro tunc judgment entries did affect appellant's sentence[e], and [he] is entitled to resentencing.

{¶ 5} The following undisputed facts are relevant to this appeal. This case reflects appellant's eighth successive appeal to this court stemming from appellant's 2005 felony

convictions for series of armed robberies committed by appellant in the Toledo area during the summer of 2004.

{¶ 6} Given this matter’s extensive history before this court, we specifically held in our most recent opinion in this matter, “This court has repeatedly determined that appellant has not been prejudiced in any way whatsoever in connection to claimed issues connected the post-release control.” *State v. Hill*, 6th Dist. Lucas No. L-16-1086, 2016-Ohio-8529, ¶ 4.

{¶ 7} This court went on to establish that, “Adverse rulings by trial court in response to the repeated filing of substantively identical motions * * * in no way constitutes a legitimate legal basis for a continuation of this properly concluded case.” Accordingly, this court determined that, “[P]ursuant to the law of the case doctrine, as well as res judicata, appellant’s arguments are barred and this appeal is found not well-taken.” *Hill* at ¶ 8-9.

{¶ 8} The instant case presents appellant’s latest iteration of this concluded case. In the March 21, 2018 trial court judgment from which the current appeal arises, the trial court held in pertinent part, “[D]efendant recycles subjective and baseless allegations with no basis in fact or law * * * [appellant denies] that the repeat filing of substantively identical motions and appeals * * * reflects an effort to improperly continue the case in perpetuity * * * the record supports that this is precisely [appellant’s] intent.” This appeal ensued.

{¶ 9} In support of this appeal, appellant again summarily contends being subjected to prejudicial error. In appellant's cursory, pro se brief in support of this appeal, appellant summarily concludes, "The decision below is fundamentally wrong [sic] * * * and dangerous." We do not concur.

{¶ 10} As previously held by this court, "Adverse rulings by the trial court in response to the repeated filings of substantively identical motions in no way constitutes a legitimate legal basis for a continuation of this properly concluded case." *Hill* at ¶ 8-9.

{¶ 11} We find that pursuant to the law of the case doctrine and res judicata, appellant's arguments are barred. Regardless, we further find that appellant has not established prejudice or error by the trial court. As such, appellant's assignments of error are found not well-taken.

{¶ 12} Wherefore, the judgment of the Lucas County Court of Common Pleas is hereby affirmed. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment affirmed.

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, J.

JUDGE

Thomas J. Osowik, J.
CONCUR.

JUDGE

<p>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.supremecourt.ohio.gov/ROD/docs/.</p>
