

[Cite as *State v. Spann*, 2019-Ohio-353.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 107530

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

ALBERT SPANN

DEFENDANT-APPELLANT

JUDGMENT:
AFFIRMED

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CR-80-056229-ZA

BEFORE: Keough, J., Kilbane, A.J., and Laster Mays, J.

RELEASED AND JOURNALIZED: January 31, 2019

APPELLANT

Albert Spann, pro se
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ATTORNEYS FOR APPELLEE

Michael C. O'Malley
Cuyahoga County Prosecutor
By: Mary M. Frey
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KATHLEEN ANN KEOUGH, J.:

{¶1} Defendant-appellant, Albert Spann, appeals from the trial court's decision denying his request to dismiss the sex registry requirements against him. For the reasons that follow, we affirm.

{¶2} In 1981, Spann pleaded guilty to one count each of rape and kidnapping. He was sentenced to a term of four to twenty-five years of incarceration on each count, to be served concurrently. No sex offender registration requirements were imposed on Spann. In July 2018, Spann filed a motion to dismiss the sex offender registration requirement. The trial court denied his request.

{¶3} Spann now appeals, contending in his sole assignment of error that the trial court erred as a matter of law in denying his request to dismiss the sex offender registry requirements against him.

{¶4} A review of the trial court’s docket in this case reveals that no judgment was entered by the trial court ordering Spann to register as a sexual predator or any other sex offender classification.¹ Accordingly, the trial court’s decision denying this request to dismiss the classification was not in error. *See, e.g., State v. Kelly*, 7th Dist. Mahoning No. 07 MA 27, 2007-Ohio-6228 (trial court properly overruled defendant’s motion where the error sought to be corrected did not exist).

{¶5} Accordingly, Spann’s assignment of error is overruled.

{¶6} Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

KATHLEEN ANN KEOUGH, JUDGE

MARY EILEEN KILBANE, A.J., and
ANITA LASTER MAYS, J., CONCUR

¹We take judicial notice that Spann was classified as a sexual predator in 2000 following a hearing in a different case that is not subject to the instant appeal — Cuyahoga C.P. No. 162009. His classification was upheld by this court in *State v. Spann*, 8th Dist. Cuyahoga No. 78141, 2001 Ohio App. LEXIS 2737 (June 21, 2001).