

[Cite as *State v. Harris*, 2012-Ohio-2039.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
	:	
Plaintiff-Appellee,	:	
	:	No. 11AP-1019
v.	:	(C.P.C. No. 07CR-04-2837)
	:	
Robert D. Harris,	:	(REGULAR CALENDAR)
	:	
Defendant-Appellant.	:	

D E C I S I O N

Rendered on May 8, 2012

Ron O'Brien, Prosecuting Attorney, and *Barbara A. Farnbacher*, for appellee.

Robert D. Harris, pro se.

APPEAL from the Franklin County Court of Common Pleas.

FRENCH, J.

{¶ 1} Defendant-appellant, Robert D. Harris ("appellant"), appeals the judgment of the Franklin County Court of Common Pleas denying his motion for a nunc pro tunc entry. He also filed a motion to determine subject-matter jurisdiction. For the following reasons, we deny that motion and affirm the trial court's judgment.

I. BACKGROUND

{¶ 2} In May 2009, a jury found appellant guilty of two counts of aggravated murder with firearm specifications and one count of tampering with evidence. The trial

court noted the jury's verdict in a June 2009 judgment entry. Afterward, appellant filed a motion for a nunc pro tunc judgment entry in August 2011, and the trial court denied it. Although appellant initiated an appeal of the trial court's decision, he claims in a motion to determine subject-matter jurisdiction that we need not consider it. We first discuss that motion.

II. MOTION TO DETERMINE SUBJECT-MATTER JURISDICTION

{¶ 3} Appellant contends in his motion that we must dismiss his appeal for lack of jurisdiction. Article IV, Section 3(B)(2) of the Ohio Constitution limits our jurisdiction to review of final orders. Because a trial court's ruling on a motion for a nunc pro tunc entry is a final, appealable order, we have jurisdiction over the appeal in this case. *See State v. Jama*, 189 Ohio App.3d 687, 2010-Ohio-4739, ¶ 12-13 (10th Dist.). Therefore, we deny appellant's motion asking us to dismiss his appeal for lack of jurisdiction, and we now address the merits of the appeal.

III. APPELLANT'S APPEAL

A. Assignment of Error

{¶ 4} Appellant assigns the following as error in his appeal:

A valid final appealable order – which in a criminal case requires compliance with Crim.R. 32(C) – is a necessary prerequisite for the Tenth Appellate Court to acquire jurisdiction.

B. Discussion

{¶ 5} In his single assignment of error, appellant argues that the trial court erred by denying his motion for a nunc pro tunc entry. We disagree.

{¶ 6} A nunc pro tunc entry corrects an error in the recordation of a court's judgment. *Id.* at ¶ 14. Appellant requested a nunc pro tunc judgment entry on grounds that the 2009 entry fails to state the manner of his conviction for firearm specifications. He contended that the entry is not a final, appealable order without that information.

{¶ 7} A defendant's manner of conviction pertains to whether it occurred from a guilty plea, a no contest plea or a verdict in a bench or jury trial. *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, ¶ 12. Contrary to appellant's assertion, however, a court need not state a defendant's manner of conviction in a judgment entry for it to be a

final, appealable order. *Id.* Nevertheless, there is no merit to appellant's claim that the 2009 entry does not contain the manner of his conviction for firearm specifications. In particular, the entry indicates that the specifications are part of two counts on which the jury found him guilty at trial.

{¶ 8} For all these reasons, we conclude that the trial court did not err by denying appellant's motion for a nunc pro tunc entry. We overrule his single assignment of error.

IV. CONCLUSION

{¶ 9} Having overruled appellant's single assignment of error, we affirm the judgment of the Franklin County Court of Common Pleas. We also deny appellant's motion to determine subject-matter jurisdiction.

*Motion to determine subject-matter jurisdiction denied;
judgment affirmed.*

BROWN, P.J., and SADLER, J., concur.
