

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY, OHIO**

STATE OF OHIO,	:	PER CURIAM OPINION
Plaintiff-Appellee,	:	
- VS -	:	CASE NO. 2010-L-092
RONALD DUDAS,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 06 CR 000560.

Judgment: Affirmed.

William D. Mason, Cuyahoga County Prosecutor, and *Daniel Kasaris*, Assistant Prosecutor, The Justice Center, 9th Floor, 1200 Ontario Street, Cleveland, OH 44113 (For Plaintiff-Appellee).

Ronald Dudas, pro se, PID: A520-261, Trumbull Correctional Institution, P.O. Box 901, Leavittsburg, OH 44430-0901 (Defendant-Appellant).

PER CURIAM.

{¶1} Appellant, Ronald Dudas, appeals the judgment of the Lake County Court of Common Pleas denying his “motion to compel state and trial court to honor legal contract.” Appellant was convicted, following his guilty plea, of intimidation of and retaliation against a Cuyahoga County Common Pleas Court Judge, intimidation of a police officer, and engaging in a pattern of corrupt activity involving the theft of money and real estate from numerous victims. In effect, this is appellant’s fourth motion to

withdraw his guilty plea. Further, this is the thirteenth appeal appellant has filed following the denial of his successive postconviction motions by the trial court. At issue is whether appellant's present motion is barred by res judicata. For the reasons that follow, we affirm.

{¶2} On October 19, 2006, appellant pled guilty in two cases that were consolidated in the trial court. After two days of jury trial in Case No. 06 CR 000560, "the murder conspiracy case," appellant pled guilty to four counts of intimidation of Detective Simon Cesareo of the North Olmsted Police Department and Cuyahoga County Common Pleas Judge David T. Matia, and one count of retaliation against Judge Matia. In Case No. 06 CR 000700, "the corrupt activity case," appellant pled guilty to engaging in a pattern of corrupt activity, tampering with records, forgery, felony theft, uttering, securing writings by deception, and telecommunications fraud.

{¶3} In the murder conspiracy case, appellant hired a hit man to murder Judge Matia and to break Detective Cesareo's legs in retaliation for their roles in investigating and sentencing him in a prior felony theft case.

{¶4} In the corrupt activity case, appellant formed and carried on an enterprise for the ostensible purpose of providing loans to individuals in desperate financial straits, but with the true purpose of stealing their funds and real estate. He set up and operated mortgage companies to accomplish this purpose. Many of appellant's victims were near foreclosure, and he took advantage of their plight by stealing the last of their assets. Appellant created false loan applications and mortgages, using the name and credit of his victims to obtain loans from lenders. He then stole the proceeds from these loans. He also stole money and real estate from his victims. He stole in excess of one million

dollars from multiple victims, driving many of them into financial ruin and/or bankruptcy. The indictment listed 35 victims. Appellant stole more than \$100,000 apiece from 14 separate victims.

{¶5} Following a sentencing hearing on December 1, 2006, in the murder conspiracy case, the court sentenced appellant on each of four counts of intimidation to five years, each term to run concurrently to the others. The court also sentenced him to five years on the retaliation count, to be served consecutively with the intimidation counts, for a total of ten years.

{¶6} In the corrupt activity case, the court sentenced appellant to ten years for engaging in a pattern of corrupt activity, five years for tampering with records, 18 months for forgery, one year for theft, 18 months for uttering, five years for securing writings by deception, and 18 months for telecommunications fraud. The prison terms imposed for forgery, theft, uttering, and telecommunications fraud were to be served concurrently to each other and concurrently to the terms imposed for engaging in a pattern of corrupt activity, tampering with records, and securing writings by deception. The terms for engaging in a pattern of corrupt activity, tampering with records, and securing writings by deception were to be served consecutively to each other, for a total of 20 years in prison, and consecutively to the prison term in the murder conspiracy case, for a total of 30 years in prison.

{¶7} Appellant filed a direct appeal and this court affirmed his conviction in *State v. Dudas*, 11th Dist. Nos. 2006-L-267 and 2006-L-268, 2007-Ohio-6739, discretionary appeal not allowed at 118 Ohio St.3d 1409, 2008-Ohio-2340 (“*Dudas I*”).

{¶8} Following appellant's conviction, he filed multiple pro se motions and appealed their denial by the trial court. In *State v. Dudas*, 11th Dist. No. 2007-L-074, 2007-Ohio-6731 ("*Dudas II*"), this court affirmed the trial court's denial of appellant's motion to require the state to return his laptop computer and his personal and business files, which he argued the state had seized in an unlawful search.

{¶9} In *State v. Dudas*, 11th Dist. Nos. 2007-L-140 and 2007-L-141, 2008-Ohio-3262 ("*Dudas III*"), this court affirmed the trial court's dismissal of appellant's petition for postconviction relief.

{¶10} In *State v. Dudas*, 11th Dist. No. 2007-L-169, 2008-Ohio-3261 ("*Dudas IV*"), this court affirmed the trial court's denial of appellant's motion to compel two victims of his theft scheme to return his property.

{¶11} In *State v. Dudas*, 11th Dist. Nos. 2007-L-170 and 2007-L-171, 2008-Ohio-3260 ("*Dudas V*"), this court affirmed the trial court's denial of appellant's Civ.R. 60 motion for relief from judgment.

{¶12} In *State v. Dudas*, 11th Dist. Nos. 2008-L-081 and 2008-L-082, 2008-Ohio-7043 ("*Dudas VI*"), this court affirmed the trial court's denial of appellant's first motion to withdraw his guilty plea.

{¶13} In *State v. Dudas*, 11th Dist. Nos. 2007-L-189 and 2007-L-190, 2008-Ohio-6983 ("*Dudas VII*"), this court affirmed the trial court's denial of appellant's petition to return all seized contraband from law enforcement officials.

{¶14} In *State v. Dudas*, 11th Dist. Nos. 2008-L-078 and 2008-L-079, 2009-Ohio-1003 ("*Dudas VIII*"), this court affirmed the trial court's denial of appellant's post-

sentence request for production of documents pursuant to Civ.R. 34 and his “investigative demand against state.”

{¶15} In *State v. Dudas*, 11th Dist. Nos. 2008-L-109 and 2008-L-110, 2009-Ohio-1001 (“*Dudas IX*”), this court affirmed the trial court’s denial of appellant’s motion to quash the indictment.

{¶16} In *State v. Dudas*, 11th Dist. Nos. 2009-L-072 and 2009-L-073, 2010-Ohio-3253 (“*Dudas X*”), this court affirmed the trial court’s denial of appellant’s motion to void judgment and dismiss indictment, in which he argued his conviction violated double jeopardy.

{¶17} In *State v. Dudas*, 11th Dist. No. 2010-L-002, 2010-Ohio-6442 (“*Dudas XI*”), this court affirmed the trial court’s denial of appellant’s second motion to withdraw his guilty plea.

{¶18} In *State v. Dudas*, 11th Dist. No. 2010-L-003, 2010-Ohio-6576, discretionary appeal not allowed at 128 Ohio St.3d 1482, 2011-Ohio-2055 (“*Dudas XII*”), this court affirmed the trial court’s denial of appellant’s motion to invalidate plea agreement as unconstitutional.

{¶19} In addition, by our judgment entry, dated June 3, 2008, we denied appellant’s motion for reconsideration of this court’s affirmance of his conviction in *Dudas I*.

{¶20} On June 16, 2010, three and one-half years after appellant was sentenced, he filed his “motion to compel state and trial court to honor legal contract.” On July 14, 2010, the trial court entered judgment denying appellant’s motion. The court found that appellant’s present motion essentially duplicated his first assignment of

error in *Dudas I*, which this court overruled. There, appellant argued the state breached the plea bargain when it asked the court to sentence him to “at least” ten years in prison, instead of ten years as it had agreed. Appellant argued this breach of the plea bargain violated his due process rights. The trial court found that the only difference between appellant’s argument in *Dudas I* and in his present motion is that, in his motion, he asserted the state’s conduct resulted in an alleged breach of contract between him and the state. The trial court found that since appellant’s present argument was evident to him when he filed his direct appeal, it was barred by res judicata.

{¶21} Appellant now appeals the trial court’s ruling, asserting the following as his sole assignment of error:

{¶22} “The trial court erred by denying appellants [sic] motion to have state honor legal contract violating due process.”

{¶23} Appellant now argues that by recommending he be sentenced to “at least” ten years in prison, the state breached its contract with him in violation of his due process rights. To remedy this alleged breach of contract, appellant asks that he be re-sentenced to ten years in prison or that he be permitted to withdraw his guilty plea.

{¶24} Based on our review of the record, appellant could have raised his present argument in the trial court at sentencing or on direct appeal in *Dudas I*. Because he failed to do so, the argument is barred by res judicata. *Dudas V* at ¶21.

{¶25} “In the context of criminal cases, ‘a convicted defendant is precluded under the doctrine of res judicata from raising and litigating in any proceeding, except an appeal from that judgment, any defense or any claimed lack of due process that was raised or could have been raised by the defendant at the trial which resulted in that

judgment of conviction or on appeal from that judgment.” (Emphasis omitted.) Id., quoting *State v. Szefcyk*, 77 Ohio St.3d 93, 96, 1996-Ohio-337.

{¶26} For the reasons stated in this Per Curiam Opinion, the assignment of error is not well taken. It is the judgment and order of this court that the judgment of the Lake County Court of Common Pleas is affirmed.

TIMOTHY P. CANNON, P.J., CYNTHIA WESTCOTT RICE, J., MARY JANE TRAPP, J.,
concur.