

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

State of Ohio

Court of Appeals No. OT-11-038

Appellee

Trial Court No. CRB 1100951 A

v.

Jason S. Pauley

**DECISION AND JUDGMENT**

Appellant

Decided: September 21, 2012

\* \* \* \* \*

James L. Reinheimer, for appellant.

\* \* \* \* \*

**HANDWORK, J.**

{¶ 1} This appeal is from the November 2, 2011 judgment of the Ottawa County Municipal Court, which sentenced appellant, Jason S. Pauley, after he was convicted by the court of violating R.C. 2903.13(A), assault. Upon consideration of the assignments of error, we affirm the decision of the lower court. Appellant asserts the following single assignment of error on appeal:

The Court erred in sentencing the Defendant without a Journal Entry  
find the Defendant Guilty. [sic]

{¶ 2} Appellant contends that he was sentenced without a journal entry finding  
him guilty of the charges.

{¶ 3} The case was tried by the municipal court judge, who issued a judgment on a  
document entitled “Magistrate’s Decision/Recommendation, Judgment Entry, Conviction  
and Sentence,” which was signed by the judge and journalized November 2, 2011. The  
judge checked the box which indicated that appellant had been found guilty pursuant to  
an attached judgment, which was not attached, and checked a box “recommending” a  
sentence. That same day, appellant filed a notice of appeal of the judgment to the  
appellate court. The trial court issued a nunc pro tunc judgment on November 7, 2011,  
finding appellant guilty and imposing the same sentence. We need not address the issue  
of whether the first judgment was a final, appealable order since the trial court issued a  
nunc pro tunc entry to correct its error in using a form intended for magistrates. The nunc  
pro tunc judgment is a sufficient judgment of conviction and sentencing under Crim.R.  
32(C). Therefore, we find appellant’s sole assignment of error not well-taken.

{¶ 4} Having found that the trial court did not commit error prejudicial to  
appellant, the judgment of the Ottawa County Municipal Court is affirmed. Appellant is  
ordered to pay the court 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.

Peter M. Handwork, J.

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JUDGE

Mark L. Pietrykowski, J.

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JUDGE

Thomas J. Osowik, J.  
CONCUR.

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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: <a href="http://www.sconet.state.oh.us/rod/newpdf/?source=6">http://www.sconet.state.oh.us/rod/newpdf/?source=6</a>.</p>
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