

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

State of Ohio

Court of Appeals No. L-12-1244

Appellee

Trial Court No. CR0200402116

v.

Lamonte B. Hopings

**DECISION AND JUDGMENT**

Appellant

Decided: April 26, 2013

\* \* \* \* \*

Julia R. Bates, Lucas County Prosecuting Attorney, and  
David F. Cooper, Assistant Prosecuting Attorney, for appellee.

Lamonte B. Hopings, pro se.

\* \* \* \* \*

**OSOWIK, J.**

{¶ 1} This is an appeal from a judgment of the Lucas County Court of Common Pleas, denying appellant’s “motion for sentencing” in connection with his March 31, 2005 sentencing on one count of murder. This case has previously been affirmed by this court on the merits on direct appeal and, in 2007, the Ohio Supreme Court declined

further review. For the reasons set forth below, this court affirms the judgment of the trial court.

{¶ 2} On May 19, 2004, appellant shot to death a man at a home in central Toledo whom appellant believed had “disrespected his mother.” On May 28, 2004, appellant was indicted on one count of aggravated murder, in violation of R.C. 2903.01, with a gun specification. On March 21, 2005, the case went to jury trial. Following the jury trial, appellant was convicted of the lesser included offense of murder, in violation of R.C. 2903.02.

{¶ 3} Following his conviction and sentence, appellant filed a direct appeal on the merits to this court. In 2008, this court denied the direct merit appeal. Appellant’s conviction and sentence were affirmed. Appellant sought further review of the conviction and sentence by the Ohio Supreme Court. The Ohio Supreme Court considered the matter and declined further review, thereby rendering appellant’s conviction and sentence the law of the case.

{¶ 4} Approximately four years later, on June 14, 2012, appellant filed the underlying “Motion for Sentencing.” In the unsupported and convoluted motion, appellant attempts to unilaterally assert that his previously upheld murder sentence was somehow rendered legally void as a matter of law because one page of a sentencing entry from a separate defendant sentenced in a separate case conducted by the trial court on the same day as appellant’s sentencing may have been inadvertently and harmlessly attached to appellant’s written sentencing judgment entry.

{¶ 5} On August 1, 2012, the trial court denied appellant's latest motion. The trial court concluded, in relevant part, that appellant's motion was "ridiculous" and "frivolous." We have reviewed and considered the instant appeal. We concur with the trial court's assessment of the matter.

{¶ 6} The record reflects that appellant's 2005 murder conviction and sentence was affirmed on the merits on direct appeal. The record reflects that the highest judicial tribunal in Ohio, the Supreme Court of Ohio, considered the matter in 2008 and declined further review, thereby affirming the disputed conviction and sentence to be the law of the case in the state of Ohio. Appellant's ongoing efforts to revisit the matter have no legitimate basis or legal foundation. The trial court properly denied appellant's June 14, 2012 motion. The trial court properly found said motion to be frivolous.

{¶ 7} Wherefore, we find that substantial justice has been done in this matter. Appellant's assignment of error is found not well-taken. 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.

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JUDGE

Thomas J. Osowik, J.

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JUDGE

Stephen A. Yarbrough, J.  
CONCUR.

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JUDGE

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.sconet.state.oh.us/rod/newpdf/?source=6>.