

[Cite as *Strongsville v. Debol*, 2009-Ohio-6650.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 93315

CITY OF STRONGSVILLE

PLAINTIFF-APPELLEE

vs.

SCOTT A. DEBOLT

DEFENDANT-APPELLANT

**JUDGMENT:
AFFIRMED**

Criminal Appeal from the
Berea Municipal Court
Case No. 08TRD06007

BEFORE: Boyle, J., Cooney, A.J., and Sweeney, J.

RELEASED: December 17, 2009

JOURNALIZED:

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N.B. This entry is an announcement of the court's decision. See App.R. 22(B) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(C) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(C). See, also, S.Ct. Prac.R. II, Section 2(A)(1).

MARY J. BOYLE, J.:

{¶ 1} Defendant-appellant, Scott DeBolt, appeals the court costs imposed by Berea Municipal Court. DeBolt did not file a timely appeal of his sentence, however, and we therefore affirm the municipal court's denial of his motion to reduce court costs.

{¶ 2} DeBolt was charged with four offenses: driving while under suspension, speeding, failure to use a turn signal, and failure to wear a safety belt. He pled no contest to an amended charge of driving without a valid license and speeding. The other charges were dismissed. The trial court sentenced him to a \$150 fine plus court costs on the driving without a valid license charge, and a \$75 fine plus court costs on the speeding charge.

{¶ 3} Rather than appeal the court costs imposed in his sentence, DeBolt moved the trial court to reduce them — nearly two months after the time to appeal his sentence had run. DeBolt was sentenced on January 16, 2009. “A sentencing entry is a final appealable order as to costs.” *State v. Threatt*, 108 Ohio St.3d 277, 2006-Ohio-905, paragraph three of the syllabus. A party must file a notice of appeal within thirty days of the final judgment. App.R. 4(A). Thus, DeBolt had thirty days in which to appeal the trial court's final judgment, i.e., thirty days from January 16, 2009.

{¶ 4} DeBolt contends that he timely appealed a final order — the order denying his motion to reduce costs. But there is no such motion after a final judgment has been issued. DeBolt's motion to reduce costs was akin to a

motion to reconsider a final judgment. Courts in Ohio have no authority to reconsider valid final judgments in criminal cases. *State v. Myers* (Nov. 18, 1993), 8th Dist. No. 65309; *State v. Bernard* (May 26, 2000), 2d Dist. No. 18058; *State v. Mayo* (Apr. 24, 2002), 8th Dist. No. 80216. Thus, to the extent that DeBolt's motion asked the trial court to reconsider the sentence or costs that it previously imposed, the motion was a nullity because the trial court lacked jurisdiction to reconsider its own valid final judgment. *State v. Wilson*, 10th Dist. Nos. 05AP-939, 05AP-940, and 05AP-941, 2006-Ohio-2750, ¶9; and *State ex rel. Hansen v. Reed* (1992), 63 Ohio St.3d 597, 599.

{¶ 5} Therefore, the trial court properly denied his motion.

Judgment affirmed.

The court finds there were reasonable grounds for this appeal.

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

It is ordered that a special mandate issue out of this court directing the Berea Municipal 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.

MARY J. BOYLE, JUDGE

COLLEEN CONWAY COONEY, A.J., and
JAMES J. SWEENEY, J., CONCUR