

[Cite as *State v. Braddy*, 2015-Ohio-1154.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 101774

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

CHESTER BRADDY

DEFENDANT-APPELLANT

JUDGMENT:
AFFIRMED

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CR-02-420714-A

BEFORE: Jones, P.J., E.A. Gallagher, J., and McCormack, J.

RELEASED AND JOURNALIZED: March 26, 2015

FOR APPELLANT

Chester Braddy, pro se
Inmate No. 452-560
P.O. Box 57
Marion Correctional Institution
Marion, Ohio 43301

ATTORNEYS FOR APPELLEE

Timothy J. McGinty
Cuyahoga County Prosecutor

BY: Daniel T. Van
Assistant County Prosecutor
The Justice Center, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113

LARRY A. JONES, SR., P.J.:

{¶1} Defendant-appellant Chester Braddy appeals from the trial court’s judgment denying his motion for an issuance of a final appealable order. We affirm.

{¶2} In 2002, Braddy was charged in a 49-count indictment. With the exception of one count (endangering children), Braddy was charged with sexually oriented offenses, including rape of a victim under 13 years of age. In July 2003, the case proceeded to a jury trial, at the conclusion of which Braddy was found guilty of all the charges.¹ The trial court sentenced Braddy to 20 years to life.

{¶3} This court upheld the conviction. *State v. Braddy*, 8th Dist. Cuyahoga No. 83462, 2004-Ohio-3128. Reopening of his appeal was denied in *State v. Braddy*, 8th Dist. Cuyahoga No. 83462, 2005-Ohio-282. The Ohio Supreme Court denied Braddy’s motion for a delayed appeal. *State v. Braddy*, 106 Ohio St.3d 1458, 2005-Ohio-3490, 830 N.E.2d 1167. Habeas corpus was denied in *Braddy v. Bradshaw*, N.D. Ohio No. 1:05-CV-2617, 2008 U.S. Dist. LEXIS 49443 (June 27, 2008).

{¶4} In 2011, Braddy, pro se, filed a motion in the trial court for “issuance of a final appealable order; and motion for sentencing, pursuant to the mandatory provisions.” The trial court appointed counsel for Braddy and held a hearing on the motion. After the hearing, the court issued a nunc pro tunc entry to correct a clerical error. The court also properly advised Braddy about postrelease control, which it had previously failed to do. Braddy appealed and this court affirmed the trial court’s judgment. *State v. Braddy*, 8th Dist. Cuyahoga No. 97816, 2012-Ohio-4720. The Ohio Supreme Court declined to accept jurisdiction of Braddy’s appeal.

¹Braddy was found guilty of all the sexually oriented offenses as charged. He was also found guilty of a lesser included offense of endangering children.

State v. Braddy, 134 Ohio St.3d, 2013-Ohio-347, 982 N.E.2d 729.

{¶5} In March 2014, Braddy, pro se, filed a motion for “issuance of final appealable order (predicated on a finding of guilt).” In May 2014, the trial court denied the motion. In June 2014, Braddy, pro se, filed a motion for “conveyance order to relieve defendant from his false imprisonment.” The trial court denied the motion.

{¶6} Braddy now appeals, pro se, raising two assignments of error, in which he collectively contends that the trial court failed to file and journalize the jury verdict forms and, therefore, there was no final appealable order in this case. We overrule Braddy’s assignments of error on two grounds.

{¶7} First, the issues Braddy raises are barred by res judicata. Under the doctrine of res judicata, a final judgment of conviction bars a convicted defendant who was represented by counsel 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 an appeal from that judgment. *State v. Szefcyk*, 77 Ohio St.3d 93, 671 N.E.2d 233 (1996), syllabus, approving and following *State v. Perry*, 10 Ohio St.2d 175, 226 N.E.2d 104 (1967), paragraph nine of the syllabus. This court has held that any challenges to jury verdict forms should be raised on direct appeal. *State v. Holmes*, 8th Dist. Cuyahoga No. 100388, 2014-Ohio-3816, ¶ 7. Braddy was represented by counsel during his direct appeal and any alleged irregularity with the verdict forms should have been raised then.

{¶8} Second, a final appealable order exists when the judgment entry contains (1) the fact of the conviction, (2) the sentence, (3) the judge’s signature, and (4) the time-stamp indicating the entry upon the journal by the clerk. *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204,

958 N.E.2d 142, paragraph one of the syllabus. The August 29, 2003 judgment entry in this case was a final appealable order, because it contained all of the above. And the judgment gave rise to Braddy's first appeal, in which this court affirmed his convictions. *Braddy*, 8th Dist. Cuyahoga No. 83462, 2004-Ohio-3128.

{¶9} In light of the above, Braddy's two assignments of error are overruled.

{¶10} Judgment affirmed.

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

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas 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.

LARRY A. JONES, SR., PRESIDING JUDGE

EILEEN A. GALLAGHER, J., and
TIM McCORMACK, J., CONCUR