

[Cite as *State v. Langford*, 2015-Ohio-1303.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 101709

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

SUNDIATA LANGFORD

DEFENDANT-APPELLANT

JUDGMENT:
AFFIRMED

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CR-01-411588-C

BEFORE: Boyle, J., Kilbane, P.J., and E.T. Gallagher, J.

RELEASED AND JOURNALIZED: April 2, 2015

FOR APPELLANT

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MARY J. BOYLE, J.:

{¶1} Defendant-appellant, Sundiata Langford, appeals from the trial court's order denying his motion for a final appealable order. Finding no merit to the appeal, we affirm.

Procedural History and Facts

{¶2} In December 2001, a jury found Langford guilty of murder with a firearm specification and having a weapon while under disability. The trial court sentenced him to an aggregate term of 19 years to life on the charges — 15 years to life on the murder count to run consecutive to the three-year firearm specifications and a consecutive one-year term for having a weapon while under a disability.

{¶3} Langford subsequently appealed. This court affirmed his murder conviction and the attached firearm specification but vacated his conviction for having a weapon while under a disability on sufficiency grounds. *See State v. Langford*, 8th Dist. Cuyahoga No. 80753, 2003-Ohio-159, ¶ 28. The court further rejected Langford's challenge of the firearm specification being imposed consecutively, noting that the firearm specification required three years and was statutorily mandated to run consecutively to the murder count. *Id.* at ¶ 62.

{¶4} Langford appealed the decision to the Ohio Supreme Court, which declined to review his appeal. *State v. Langford*, 99 Ohio St.3d 1411, 2003-Ohio-2454, 788 N.E.2d 647.

{¶5} Langford further sought to reopen his appeal on the grounds that his

appellate counsel was ineffective, which this court declined to do so, and the Ohio Supreme Court declined further review. *State v. Langford*, 8th Dist. Cuyahoga No. 80753, 2003-Ohio-4173, *appeal not allowed*, 100 Ohio St.3d 1487, 2003-Ohio-5992, 798 N.E.2d 1094.

{¶6} In September 2002, while Langford's direct appeal was pending, Langford filed a petition for postconviction relief with the trial court. The trial court denied his petition and granted summary judgment in favor of the state. Langford appealed, this court affirmed, and the Ohio Supreme Court denied further review. *State v. Langford*, 8th Dist. Cuyahoga No. 83560, 2004-Ohio-2336, *appeal not allowed*, 103 Ohio St.3d 1465, 2004-Ohio-5056, 815 N.E.2d 679.

{¶7} On October 28, 2003, the trial court issued a journal entry, recognizing that the having a weapon while under a disability count was vacated and therefore Langford's sentence was reduced to 18 years to life.

{¶8} Langford further sought relief through a habeas corpus action in federal court but was ultimately unsuccessful. *See Langford v. Bradshaw*, N.D. Ohio No. 1:05 CV 1487, 2007 U.S. Dist. LEXIS 31569 (Apr. 30, 2007).

{¶9} Approximately 11 years after being sentenced, and after having filed a direct appeal, a motion to reopen his appeal, a petition for postconviction relief, and a habeas corpus action in federal court, Langford filed a motion for a final appealable order on October 18, 2012. He argued, among other things, that his December 17, 2001 sentencing entry was not a final appealable order. In December 2012, the trial court

denied his motion, and Langford did not appeal.

{¶10} One and one-half years later, on June 19, 2014, Langford filed a “motion for issuance of a revised judgment entry of conviction and sentence.” Langford argued again that the December 17, 2001 judgment entry was not a final appealable order and further argued that the October 28, 2003 judgment entry failed to comply with Crim.R. 32(C). The trial court denied the motion.

{¶11} From this order, Langford appeals, raising the following single assignment of error:

Trial court abused its discretion and violated due process, and denied appellant his statutory rights, when although there was a prima facie case for relief in this matter the court refused to enter a judgment entry that would comply with Crim.R. 32(C), and a final appealable order pursuant to R.C. 2505.02.

Law and Analysis

{¶12} In his sole assignment of error, Langford argues that the trial court erred in denying his motion for a final appealable order because neither the December 17, 2001 judgment entry nor the subsequent journal entry of October 28, 2003 comply with Crim.R. 32(C). We find his argument to be frivolous and without merit.

{¶13} “A judgment of conviction is a final order subject to appeal under R.C. 2505.02 when it sets forth (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. (Crim.R. 32(C) explained; *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163, modified.)” *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958

N.E.2d 142, syllabus. The Ohio Supreme Court has explained that “[t]he purpose of Crim.R. 32(C) is to ensure that a defendant is on notice concerning when a final judgment has been entered and the time for filing an appeal has begun to run.” *Id.* at ¶ 10, citing *State v. Tripodo*, 50 Ohio St.2d 124, 127, 363 N.E.2d 719 (1977).

{¶14} The record reveals that the December 17, 2001 judgment entry complies with Crim.R. 32. Contrary to Langford’s claim, we find that the judgment entry contains both the fact of conviction and a time stamp indicating the entry upon the journal by the clerk. Moreover, considering that Langford filed a timely direct appeal from the December 17, 2001 judgment entry, he cannot credibly argue that he was not on notice when a final judgment was entered. *See State v. Monroe*, 10th Dist. Franklin No. 13AP-598, 2015-Ohio-844 (rejecting appellant’s challenge of trial court’s denial of his motion for a final appealable order when appellant had already fully exhausted his appellate rights).

{¶15} As for the October 28, 2003 journal entry, there was no requirement for the trial court to satisfy Crim.R. 32(C). This journal entry merely memorialized the reduction in Langford’s sentence following this court’s decision.

{¶16} Accordingly, we find no merit to Langford’s single assignment of error and overrule it.

{¶17} Judgment affirmed.

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

The court finds there were no 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. The defendant's conviction having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MARY J. BOYLE, JUDGE

MARY EILEEN KILBANE, P.J., and
EILEEN T. GALLAGHER, J., CONCUR