

[Cite as *State v. Littlejohn*, 2015-Ohio-4369.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION  
No. 102275

**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**ALEX A. LITTLEJOHN**

DEFENDANT-APPELLANT

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**JUDGMENT:**  
APPLICATION DISMISSED

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Cuyahoga County Court of Common Pleas  
Case Nos. CR-14-583908-A and CR-14-585206-B  
Application for Reopening  
Motion No. 489278  
Order No. 489626

**RELEASE DATE:** October 21, 2015

**FOR APPELLANT**

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**ATTORNEYS FOR APPELLEE**

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FRANK D. CELEBREZZE, JR., A.J.:

{¶1} On September 17, 2015, the applicant, Alex Littlejohn, pursuant to App.R. 26(B), applied to reopen *State v. Littlejohn*, 8th Dist. Cuyahoga No. 102275, which was voluntarily dismissed by his attorney on April 28, 2015. The motion to dismiss stated: “After review of the case, and discussion with counsel, appellant has decided that he does not wish to pursue his appeal.”<sup>1</sup> Littlejohn now denies that his attorney consulted with him before dismissing the appeal, and he lists five assignments of error relating to *State v. Littlejohn*, Cuyahoga C.P. No. CR-14-585206-B that he says should have been raised.<sup>2</sup> The state of Ohio filed its brief in opposition on September 30, 2015. For the following reasons, this court dismisses the application to reopen.

{¶2} In Case No. CR-14-585206-B, Littlejohn pleaded guilty to aggravated robbery with a three-year firearm specification, kidnapping with a three-year firearm specification, and assault; the state then nolleed the other charges against him. The trial court sentenced him to 11 years for aggravated robbery consecutive to three years for the firearm specification and to a consecutive 11-year sentence on the kidnapping charge consecutive to three years for the firearm specification. The court ruled that the firearm

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<sup>1</sup>The court notes that generally App.R. 26(B) does not apply to voluntarily dismissed appeals, because the appeal was never decided. *State v. Reid*, 8th Dist. Cuyahoga No. 93222, 2013-Ohio-4027. The court also notes that the application is untimely on its face.

<sup>2</sup> The notice of appeal also listed *State v. Littlejohn*, Cuyahoga C.P. No. CR-14-583908-A, in which Littlejohn pleaded guilty to one count of burglary and received an 18-month sentence concurrent to the sentence in CR-14-585206-B. The listed assignments of error do not seem to concern the burglary case.

specifications did not merge. Thus, the sentence was 28 years.<sup>3</sup> However, the court did not enter a sentence for the assault charge. Without a sentence for every convicted charge, there is no final, appealable order, and this court does not have jurisdiction over this matter. *State v. Brown*, 59 Ohio App.3d 1, 569 N.E.2d 1068 (8th Dist.1989).

{¶3} Accordingly, this court dismisses the application to reopen.

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FRANK D. CELEBREZZE, JR., ADMINISTRATIVE JUDGE

EILEEN A. GALLAGHER, J., and  
MARY EILEEN KILBANE, J., CONCUR

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<sup>3</sup>The transcript indicates that there were different victims for the robbery and kidnapping charges.