

[Cite as *State v. Quinnie*, 2017-Ohio-2663.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 105104

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

ALONZO QUINNIE

DEFENDANT-APPELLANT

JUDGMENT:
AFFIRMED

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CR-96-345622-B

BEFORE: McCormack, P.J., Boyle, J., and S. Gallagher, J.

RELEASED AND JOURNALIZED: May 4, 2017

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TIM McCORMACK, P.J.:

{¶1} Defendant-appellant Alonzo Quinnie [a.k.a. Alonzo Qunnie] appeals from a judgment of the Cuyahoga County Court of Common Pleas that denied his “Motion to Vacate Void Judgment.” For the following reasons, we affirm the trial court’s judgment.

{¶2} In 1997, a jury found appellant guilty of aggravated murder, aggravated robbery, and aggravated burglary, each count with a firearm specification. This court affirmed his convictions. *State v. Quinnie*, 8th Dist. Cuyahoga No. 72580, 1998 Ohio App. LEXIS 3158 (July 9, 1998). In 2001, he filed an application for reopening and this court denied it. In 2009, he filed a motion for leave to file a delayed motion for new trial, which was denied by the trial court. In 2012, he filed a motion to modify his sentence. The trial court denied that motion. In 2013, he filed a “motion for de novo sentencing,” arguing he was not properly advised of postrelease control. The trial court denied the motion. He appealed that decision, and this court affirmed the trial court. *State v. Qunnie*, 8th Dist. Cuyahoga No. 100317, 2014-Ohio-1435.

{¶3} On September 30, 2016, appellant filed the instant “Motion to Vacate Void Judgment and Remand Matter for Judgment Proceedings with Defendant Present.” He attached an affidavit stating that “I did go to the Cuyahoga County Clerk of Courts, and

requested a certified copy of the complaint case number, CR-96-345622. Clerk did inform me no such complaint is, and never was on file.”

{¶4} He claimed that, without a complaint, the trial court lacked jurisdiction to convict him in this criminal matter.

{¶5} The trial court denied appellant’s latest motion. On appeal, appellant raises two assignments of error. Replete with typographical, grammatical, and punctuational errors, the two assignments of error state:

1. Whether the trial court violated procedural “due process” and abused it’s discretion by denying defendant-appellant’s constitutional claim and properly plead and substantively supported MOTION TO VACATE VOID JUDGMENT for lack of subject matter jurisdiction; pursuant to *Patton v. Diemer*, 518 N.E. 2nd 941, (no criminal complaint exist) pursuant to CR.R.3., in violation of the (5th, 6, 14th AMENDMENT)

2. Whether the defence counsel knowingly represented defendant-appellant without a criminal complaint (no subject matter exist nor ever being first filed on the face of the record against the defendant-appellant. pursuant to CR.R.3., no criminal complaint exist (sham) for cause in CR. Case NO. 96-345622-B, and never existed. see: *State vs. Coldwell* 445 N.E. 2nd 257., in violation of defendant-appellant’s 6, 14th Amendment due process right to know the nature of the accusations against him and his right to effective counsel. see : *Strickland vs. Washington* cite as 104 S.ct. 2052.

{¶6} A review of the appellant’s brief shows that his argument under the first assignment of error consists of the following statement: “No judge ever had jurisdiction over any subject matter. pursuant to *State v. Jones* 703 N.E.2nd 833 (lack of subject matter jurisdiction can not be waived).” His argument under the second assignment of error similarly consists of one sentence: “Counsel was ineffective for not raising the

above-styled assignment of error and the trial court was in error for allowing the case to proceed without a criminal complaint ever being first filed from the beginning.”

{¶7} App.R. 16(A)(7) requires an appellant’s brief to include “[a]n argument containing the contentions of the appellant with respect to each assignment of error presented for review and the reasons in support of the contentions, with citations to the authorities, statutes, and parts of the record on which appellant relies.” Appellant’s single-sentence argument under each assignment of error falls woefully short of the requirement of App.R. 16(A)(7). Pursuant to App.R. 12(A)(2), we may summarily disregard appellant’s assignments of error. Even if we were to consider them, they are without merit.

{¶8} Under the two assignments of error, appellant appears to argue that the trial court lacked subject matter jurisdiction in this criminal case because there was no complaint against him. Appellant’s claim reflects his misunderstanding of Ohio criminal procedure.

{¶9} The state may commence a criminal proceeding by filing a complaint, an indictment, or information. *State ex rel. Kelley v. Junkin*, 8th Dist. Cuyahoga No. 91860, 2009-Ohio-2723, ¶ 13, citing Crim.R. 3 and 7. While minor criminal prosecutions may be initiated by a complaint as provided in Crim.R. 3, felonies, such as aggravated murder, may only be initiated by indictment of the grand jury. *State v. Ervin*, 8th Dist. Cuyahoga No. 100366, 2014-Ohio-1631, ¶ 15, citing Section 10, Article I, Ohio Constitution (“no person shall be held to answer for a capital, or otherwise infamous,

crime, unless on presentment or indictment of a grand jury”) and Crim.R. 7(A) (“all * * * felonies shall be prosecuted by indictment”).

{¶10} In this case, appellant was indicted by a grand jury as is required for felony charges. Although appellant is correct that issues of subject matter jurisdiction may be raised at any time, the existence of a complaint is irrelevant in regards to the trial court’s subject matter jurisdiction in felony cases. *State v. Luther*, 11th Dist. Ashtabula No. 2003-A-0130, 2005-Ohio-950, ¶ 13, citing *State ex rel. Miller v. Griffin*, 8th Dist. Cuyahoga No. 78948, 2001 Ohio App. LEXIS 1311, 2 (Mar. 22, 2001). Therefore, the trial court acted properly when it denied appellant’s motion to vacate void judgment. The first and second assignments of error are overruled.

{¶11} Judgment affirmed.

It is ordered that appellee recover of 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.

TIM McCORMACK, PRESIDING JUDGE

MARY J. BOYLE, J., and
SEAN C. GALLAGHER, J., CONCUR