

[Cite as *State v. Ramos*, 2017-Ohio-934.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 104550

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

FRANK RAMOS

DEFENDANT-APPELLANT

**JUDGMENT:
AFFIRMED**

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CR-15-597573-A

BEFORE: Stewart, P.J., Laster Mays, J., and Jones, J.

RELEASED AND JOURNALIZED: March 16, 2017

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MELODY J. STEWART, P.J.:

{¶1} In July 2015, the grand jury returned a multiple count indictment charging defendant-appellant Frank Ramos with counts of rape, aggravated burglary, and kidnapping for offenses that occurred in July 1995. Defense counsel filed a motion to dismiss the indictment on grounds of preindictment delay, but before the court could rule on the motion, Ramos agreed to plead guilty to a single count of attempted rape. In this appeal from that conviction, he complains that he did not receive the effective assistance of counsel because counsel failed to raise the statute of limitations as a ground for dismissing the indictment and failed to seek dismissal of the indictment on grounds of preindictment delay.

{¶2} We summarily overrule the assignments of error. Ramos does not contest the validity of his guilty plea, so that plea waived any claim of ineffective assistance of counsel. *State v. Fitzpatrick*, 102 Ohio St.3d 321, 2004-Ohio-3167, 810 N.E.2d 927, ¶ 78; *State v. Vinson*, 8th Dist. Cuyahoga No. 103329, 2016-Ohio-7604, ¶ 30. The waiver rule applies equally to statute of limitations claims, *State v. Brown*, 43 Ohio App.3d 39, 39, 539 N.E.2d 1159 (1st Dist.1988), and the failure to seek dismissal of an indictment on grounds of preindictment delay. *State v. Brown*, 8th Dist. Cuyahoga No. 104095, 2017-Ohio-184, ¶ 9. Finally, the guilty plea waived the alleged, nonjurisdictional defects in the indictment. *Id.*

{¶3} 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.

MELODY J. STEWART, PRESIDING JUDGE

ANITA LASTER MAYS, J., and
LARRY A. JONES, SR., J., CONCUR