[Cite as *State v. Patel*, 2010-Ohio-4451.]

STATE OF OHIO	)	IN THE COURT OF APPEALS
	)ss:	NINTH JUDICIAL DISTRICT
COUNTY OF SUMMIT	)	

STATE OF OHIO Appellee v. CHETANKUMAR PRAVIN PATEL Appellant	C.A. No. 25346 APPEAL FROM JUDGMENT ENTERED IN THE COURT OF COMMON PLEAS COUNTY OF SUMMIT, OHIO CASE No. CR 05 09 3493 (C)

DECISION AND JOURNAL ENTRY

Dated: September 22, 2010

WHITMORE, Judge.

{¶1} Defendant-Appellant, Chetankumar Patel, appeals from the judgment of the Summit County Court of Common Pleas. This Court affirms.

I

{¶2} This case marks Patel's third appearance before this Court after a jury convicted him of aggravated murder, tampering with evidence, and the abuse of a corpse. See *State v. Patel* ("*Patel I*"), 9th Dist. No. 24030, 2008-Ohio-4693; *State v. Patel* ("*Patel II*"), 9th Dist. No. 24645, 2009-Ohio-3184. The trial court initially issued Patel's sentencing entry on December 6, 2007. The court later issued a nunc pro tunc entry on December 13, 2007. The nunc pro tunc entry mirrored the December 6, 2007 sentencing entry, but added that Patel pleaded not guilty to the charges in the indictment. After this Court affirmed his convictions on his first appeal, *Patel I*, and affirmed the denial of his petition for post-conviction relief on his second appeal, *Patel II*,

Patel filed a pro se "motion to be sentenced" on March 1, 2010. On March 16, 2010, the trial court denied Patel's motion.

{¶3} Patel now appeals from the trial court's denial of his motion and raises one assignment of error for our review.

II

Assignment of Error

"THE TRIAL COURT ERRED WHEN IT DENIED MR. CHEATANKUMAR MOTION TO ENTER A FINIAL APPEALABLE ORDER." (Sic.)

{¶4} In his sole assignment of error, Patel argues that the trial court erred when it denied his "motion to be sentenced." He argues that the court's December 13, 2007 sentencing entry is not final because: (1) it does not set forth the manner of conviction for each count; and (2) does not set forth the proper term of post-release control. We disagree.

{¶5} The Ohio Supreme Court has interpreted Crim.R. 32(C) as requiring a trial court to "sign and journalize a document memorializing the sentence and the manner of the conviction: a guilty plea, a no contest plea upon which the court has made a finding of guilt, a finding of guilt based upon a bench trial, or a guilty verdict resulting from a jury trial." *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, at ¶14. *Baker* specified that this Court erred by dismissing a journal entry, which was signed, journalized, contained a sentence, and provided that the defendant "was found GUILTY by a Jury Trial." Id. at ¶2-19. Patel cites to *Baker*, but still argues that his sentencing entry does not comply with Crim.R. 32(C) because it does not set forth the manner of conviction for all of his counts. This Court is befuddled by Patel's argument. Patel's sentencing entry provides, in relevant part, that Patel "was found GUILTY by a jury trial of AGGRAVATED MURDER ***; TAMPERING WITH EVIDENCE ***; and ABUSE OF A

CORPSE[.]" Accordingly, his sentencing entry contains the same language as the sentencing entry in *Baker* and does not omit the manner of conviction for any of his three counts.

{¶6} Patel also argues that his sentencing entry is not final because it does not properly impose post-release control. The trial court sentenced Patel after July 11, 2006. As such, any errors in the trial court's post-release control notification would only result in a voidable sentence and would not affect the finality of Patel's sentence. *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434, at paragraph two of the syllabus. See, also, *State v. Evans*, 9th Dist. No. 09CA0102-M, 2010-Ohio-2514, at ¶7 (providing that a trial court did not err by refusing to vacate a post-July 11, 2006 sentence because the sentence was merely voidable and could be corrected pursuant to R.C. 2929.191). The State acknowledges that there is a mistake in the imposition of post-release control that should be corrected. Yet, Patel is incorrect in his assertion that he does not possess a final sentence. Therefore, the trial court did not err by refusing to grant Patel's "motion to be sentenced." Patel's sole assignment of error is overruled.

III

{¶7} Patel's sole assignment of error is overruled. The judgment of the Summit County Court of Common Pleas is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Summit, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(E). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

BETH WHITMORE
FOR THE COURT

CARR, J.
BELFANCE, P. J.
CONCUR

APPEARANCES:

CHETANKUMAR PRAVIN PATEL, pro se, Appellant.

SHERRI BEVAN WALSH, Prosecuting Attorney, and RICHARD S. KASAY, Assistant Prosecuting Attorney, for Appellee.