

STATE OF OHIO)
)ss:
COUNTY OF LORAIN)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

C.A. No. 11CA009952

Appellee

v.

LAWRENCE H. MCCOLLIM

APPEAL FROM JUDGMENT
ENTERED IN THE
ELYRIA MUNICIPAL COURT
COUNTY OF LORAIN, OHIO
CASE No. 2010CRB01810

Appellant

DECISION AND JOURNAL ENTRY

Dated: December 29, 2011

BELFANCE, Presiding Judge.

{¶1} Defendant-Appellant Lawrence McCollim has appealed, pro se, from the December 29, 2010 judgment entry of the Elyria Municipal Court. This Court affirms the trial court’s December 29, 2010 entry to the extent it denied Mr. McCollim’s untimely motion for a new trial. As Mr. McCollim’s assignments of error are not properly before this Court, we decline to address them.

I.

{¶2} On June 21, 2010, a complaint was filed in Elyria Municipal Court alleging that on June 19, 2010, Mr. McCollim committed the crime of assault in violation of R.C. 2903.13, a misdemeanor of the first degree.

{¶3} The matter proceeded to a bench trial and Mr. McCollim was found guilty of assault. Mr. McCollim was sentenced to ten days jail and a \$750.00 fine. Mr. McCollim’s jail

sentence was suspended, as was \$300.00 of the fine. The judgment entry was journalized on November 16, 2010.

{¶4} On December 15, 2010, Mr. McCollim, through counsel, filed an untimely motion for a new trial. See Crim.R. 33(B).

{¶5} On December 29, 2010, the trial court issued an entry. The only portion of the entry which was final and appealable denied Mr. McCollim's motion for a new trial.

{¶6} Mr. McCollim has appealed, pro se, from the trial court's December 29, 2010 entry, raising eleven assignments of error for our review.

II.

ASSIGNMENT OF ERROR I

"THE PROSECUTION ERRED BY WITHHOLDING EVIDENCE DURING DISCOVERY IN VIOLATION OF OHIO RULES OF CRIMINAL PROCEDURE R. NO. 16 (A)."

ASSIGNMENT OF ERROR II

"THE PROSECUTION ERRED BY FAILING TO DISCLOSE, DURING DISCOVERY, THEIR INTENTION OF CALLING A SPECIALLY QUALIFIED OR EXPERT WITNESS AND FAILING TO HAVE THE WITNESS PROVIDE HIS RECORD, AS REQUIRED BY OHIO RULES OF CRIMINAL PROCEDURE R. 16 (K)."

ASSIGNMENT OF ERROR III

"THE PROSECUTION ERRED BY SUBORNING PERJURY IN VIOLATION OF OHIO RULES OF PROFESSIONAL CONDUCT R. 8.4. (c)."

ASSIGNMENT OF ERROR IV

"THE TRIAL COURT ERRED BY ALLOWING THE STATE TO INTRODUCE STATE'S EXHIBIT NO. 8 BASED SOLELY ON THE TESTIMONY OF A WITNESS WHOM HAS BEEN SHOWN TO BE UNTRUTHFUL AND UNBELIEVABLE IN OTHER TESTIMONY DURING QUESTIONING."

ASSIGNMENT OF ERROR V

“THE TRIAL JUDGE ERRED BY ALLOWING CANADIAN LAW TO INFLUENCE HIM IN HIS DECISION MAKING. THIS DENIED MCCOLLIM OF A FAIR TRIAL AS GUARANTEED BY THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION.”

ASSIGNMENT OF ERROR VI

“THE TRIAL COURT ERRED BY NOT CONDUCTING A PROPER SEPARATION OF WITNESSES.”

ASSIGNMENT OF ERROR VII

“THE TRIAL COURT ERRED BY NOT RULING ON A MOTION FOR ACQUITTAL AT THE CLOSE OF THE STATE’S CASE. A VIOLATION OF OHIO RULES OF CRIMINAL PROCEDURE R.29 (A).”

ASSIGNMENT OF ERROR VIII

“THE PROSECUTION ERRED BY MAKING FALSE STATEMENTS OF FACT AND ALLUDING TO MATTERS THAT ARE NOT RELEVANT OR SUPPORTED BY ADMISSIBLE EVIDENCE.”

ASSIGNMENT OF ERROR IX

“THE TRIAL COURT ERRED IN USING THE DOCTRINE OF TRANSFERRED INTENT.”

ASSIGNMENT OF ERROR X

“THE TRIAL COURT ERRED IN FINDING MCCOLLIM GUILTY OF ASSAULT[. THE TRIAL COURT’S RULING WAS] AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE IN VIOLATION OF ARTICLE IV, SECTION 3 OF THE OHIO CONSTITUTION.”

ASSIGNMENT OF ERROR XI

“DEFENDANT MCCOLLIM WAS DENIED A FAIR TRIAL DUE TO THE CUMULATIVE EFFECT OF THE ERRORS THAT HAVE BEEN SET FORTH.”

{¶7} Mr. McCollim has raised eleven assignments of error for our review. We, however, do not reach the merits of his arguments for the reasons set forth below.

{¶8} As noted above, the only final, appealable portion of the entry appealed from is the denial of Mr. McCollim's untimely motion for a new trial. As Mr. McCollim has not raised any argument with respect to the denial of his motion for a new trial, we affirm the trial court's December 29, 2010 entry to the extent it denied his untimely motion for a new trial. Further, all of Mr. McCollim's assignments of error relate to pretrial issues, trial issues, or issues related to Mr. McCollim's conviction; yet, Mr. McCollim has not appealed from his November 16, 2010 judgment entry of conviction. Accordingly, we decline to address the merits of his assignments of error.

III.

{¶9} In light of the foregoing, we affirm the trial court's December 29, 2010 entry to the extent it denied Mr. McCollim's untimely motion for a new trial. Mr. McCollim's assignments of error are not properly before this Court.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Elyria Municipal Court, County of Lorain, 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.

EVE V. BELFANCE
FOR THE COURT

WHITMORE, J.
DICKINSON, J.
CONCUR

APPEARANCES:

LAWRENCE H. MCCOLLIM, pro se, Appellant.

CYNTHIA M. ADAMS, Prosecutor, City of Elyria, for Appellee.