

[Cite as *State v. Hall*, 2011-Ohio-830.]

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-100305
	:	TRIAL NO. B-0705491
Respondent-Appellee,	:	
vs.	:	<i>DECISION.</i>
JEFFREY HALL,	:	
Petitioner-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Appeal Dismissed

Date of Judgment Entry on Appeal: February 25, 2011

Joseph T. Deters, Hamilton County Prosecuting Attorney, and *Paula E. Adams*,
Assistant Prosecuting Attorney, for Respondent-Appellee,

William R. Gallagher, for Petitioner-Appellant.

Please note: we have removed this case from the accelerated calendar.

Per Curiam.

{¶1} Petitioner-appellant Jeffrey Hall presents on appeal two assignments of error challenging the Hamilton County Common Pleas Court’s judgment denying his petition for postconviction relief without a hearing. We dismiss the appeal because, without findings of fact and conclusions of law, the court’s judgment denying Hall’s postconviction petition is not a final appealable order.

{¶2} Hall was convicted upon jury verdicts finding him guilty of rape and two counts of gross sexual imposition. He unsuccessfully challenged his convictions in direct appeals to this court and to the Ohio Supreme Court.¹

{¶3} Hall also sought relief from his convictions in a timely filed R.C. 2953.21 postconviction petition on the ground that he had been denied the effective assistance of trial counsel. Along with his petition, he filed motions for appointed counsel and for funds to hire an expert. The common pleas court denied the petition and the motions, and this appeal followed.

{¶4} When dismissing or denying a timely filed postconviction petition, a common pleas court must make and file findings of fact and conclusions of law.² An entry dismissing or denying a postconviction petition “is incomplete and, thus, does not commence the running of the period for filing an appeal therefrom,” if the entry does not contain findings of fact and conclusions of law, or if it does not otherwise apprise the petitioner of the basis for the decision or permit meaningful appellate review.³

¹ See *State v. Hall* (Mar. 11, 2009), 1st Dist. No. C-070872, appeal not accepted for review, 122 Ohio St.3d 1480, 2009-Ohio-3625, 910 N.E.2d 479.

² See R.C. 2953.21(C) and (G); *State v. Lester* (1975), 41 Ohio St.2d 51, 322 N.E.2d 656, paragraph two of the syllabus.

³ *State v. Mapson* (1982), 1 Ohio St.3d 217, 218, 438 N.E.2d 910; see *State ex rel. Carrion v. Harris* (1988), 40 Ohio St.3d 19, 19-20, 530 N.E.2d 1330.

{¶5} The entry from which Hall appeals, titled “Entry Denying Motions,” states only that “[u]pon consideration of [Defendant’s Motion to Vacate or Set Aside Sentence, Motion for Appointment of Counsel, and Motion for Expert Assistance and memorandum in support thereof] and the other pleadings in the case, the Court finds the Motions to be not well taken, and the same are hereby denied.” The common pleas court did not make and file findings of fact and conclusions of law. Nor does the court’s entry otherwise apprise Hall of the basis for the court’s decision or permit meaningful review on appeal. Therefore, the entry is not a final appealable order. Accordingly, we dismiss Hall’s appeal.⁴

Appeal dismissed.

CUNNINGHAM, P.J., SUNDERMANN and HENDON, JJ.

Please Note:

The court has recorded its own entry on the date of the release of this decision.

⁴ See, also, *State ex rel. Konoff v. Moon*, 79 Ohio St.3d 211, 1997-Ohio-398, 680 N.E.2d 989; accord *State v. Rogers*, 1st Dist. No. C-060019, 2006-Ohio-6453.