

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 12AP-664 (C.P.C. No. 01CR-1465)
Lee D. Williams,	:	
Defendant-Appellant.	:	(REGULAR CALENDAR)

D E C I S I O N

Rendered on February 28, 2013

Ron O'Brien, Prosecuting Attorney, and *Seth L. Gilbert*, for appellee.

Lee D. Williams, pro se.

APPEAL from the Franklin County Court of Common Pleas

TYACK, J.

{¶ 1} Lee D. Williams is appealing from the trial court's ruling on his motion to vacate sentence and its ruling on his motion to produce a grand jury transcript. He assigns three errors for our consideration:

[I.] THE CONVICTION IS CONTRARY TO LAW AND VOID FOR FAILURE TO HAVE THE REQUIRED ELEMENTS NEEDED FOR A CONVICTION BEYOND A REASONABLE DOUBT.

[II.] THE TRIAL COURT DID NOT HAVE JURISDICTION TO RETAIN THE CASE ONCE THE INDICTMENT WAS IMPROPERLY AMENDED RENDERING IT VOID.

[III.] RES JUDICATA DOES NOT APPLY TO VOID OR JURISDICTIONAL ISSUES.

{¶ 2} Williams was convicted of three counts of rape and two counts of kidnapping in 2001. He pursued a direct appeal which resulted in his convictions being affirmed. His sentence of 24 years of incarceration was not affirmed, but the sentence was reimposed after a new sentencing hearing.

{¶ 3} Years later, Williams sought a delayed appeal of his second sentencing hearing, but the delayed appeal was denied in March 2007.

{¶ 4} Williams previously filed a petition for post-conviction relief, which was denied. Williams followed this with a motion to vacate his sentence, which was denied.

{¶ 5} A new sentencing hearing was conducted later to allow for the imposition of post-release control once Williams' 24-year sentence had been served.

{¶ 6} In 2012, Williams filed a motion asking that a grand jury transcript be produced and another motion asking for re-sentencing. The last motion for re-sentencing actually addressed issues other than sentencing and thus was treated as a petition for post-conviction relief. The trial court overruled the motions, leading to this appeal.

{¶ 7} Turning to the actual assignments of error, the first assignment of error is clearly an issue which should have been raised in one of the earlier appeals. Further, the time limits placed upon petitions for post-conviction relief work as a complete bar to the reviewing of the issue in the trial court.

{¶ 8} The first assignment of error is overruled.

{¶ 9} The second assignment of error asserts that the trial court lost jurisdiction over the case after the indictment was amended. As a proposition of law, this assertion is

clearly wrong. Indictments can be amended before trial, during trial or even after trial without altering the trial court's jurisdiction over the case. *See* Crim.R. 7(D).

{¶ 10} The second assignment of error is overruled.

{¶ 11} The third assignment of error argues that the doctrine of res judicata does not bar his raising issues which should have been adjudicated before. The doctrine of res judicata is not necessary to a resolution of the issues in this case. The delays in raising the issues are dispositive.

{¶ 12} The third assignment of error is overruled.

{¶ 13} All three assignments of error having been overruled, the judgment of the Franklin County Court of Common Pleas is affirmed.

Judgment affirmed.

BROWN and CONNOR, JJ., concur.
