[Cite as *State v. McKinney*, 2026-Ohio-4463.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 26AP-223 (C.P.C. No. 05CR-7130)
Anthony L. McKinney,	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on November 10, 2026

On brief: *Shayla D. Favor*, Prosecuting Attorney, and *Seth L. Gilbert*, for appellee.

On brief: *Anthony L. McKinney*, pro se.

APPEAL from the Franklin County Court of Common Pleas

LELAND, J.

{¶ 1} Defendant-appellant, Anthony L. McKinney, originally filed a motion to dismiss firearm specifications. After the trial court entered a final ruling denying this motion, McKinney filed a motion asking the trial court to reconsider its denial. The trial court denied the motion to reconsider, and McKinney appeals that ruling. Since the trial court issued a final order denying the motion to dismiss firearm specifications, and there is no authority for a trial court to reconsider a final order, McKinney's motion to reconsider was a legal nullity. For this reason, we dismiss the appeal for lack of jurisdiction.

I. Facts and Procedural History

{¶ 2} On October 13, 2005, Terrance Barbour, Sherman Justice, Terrell Craig, and Jermaine Freeman drove to an apartment complex off of Cleveland Avenue in Columbus, Ohio. After visiting a relative of Barbour's, the group began to head back to their car. An argument ensued along the way between those four individuals and McKinney. As the four

individuals got into their car and began to drive away, McKinney fired a gun into the car, killing Barbour and hitting Justice.

{¶ 3} On October 20, 2005, the Franklin County Grand Jury true-billed an indictment charging McKinney with one count of murder, three counts of felonious assault, all with firearm specifications, and one count of possessing a weapon while under disability. McKinney went to trial, and a jury convicted him on all five counts, along with the firearm specifications, on April 27, 2006. The trial court imposed a sentence of 28 years to life imprisonment. McKinney filed a direct appeal, and this court affirmed the trial court's judgment. *State v. McKinney*, 2007-Ohio-1842 (10th Dist.). McKinney then filed a petition for postconviction relief with the trial court. The trial court denied his petition, and this court affirmed that denial in *State v. McKinney*, 2008-Ohio-1281 (10th Dist.). On May 2, 2024, McKinney moved the trial court for a resentencing. The trial court denied the motion for resentencing on June 5, 2024. McKinney appealed that denial and this court affirmed the trial court's denial on February 28, 2025. *State v. McKinney*, 2025-Ohio-0680 (10th Dist.).

{¶ 4} Relevant to this appeal, McKinney filed a motion to dismiss firearm specifications with the trial court on June 17, 2025. On August 8, 2025, the trial court denied that motion. McKinney then appealed the trial court's denial on September 10, 2025, but subsequently filed a "Notice of Lack of Jurisdiction" on October 31, 2025. This court interpreted this notice as a voluntary dismissal and dismissed the appeal on November 5, 2025. On December 4, 2025, McKinney then filed a motion for reconsideration with the trial court.

{¶ 5} The trial court denied McKinney's motion for reconsideration on February 10, 2026. In its entry, the trial court noted that a motion for reconsideration filed with a trial court is a legal nullity. On March 6, 2026, McKinney appealed the trial court's denial of his motion to reconsider. McKinney attached to the notice of appeal an image of the first page of the trial court's entry "Denying Defendant's Motion for Reconsideration."

II. Assignment of Error

{¶ 6} McKinney appeals and assigns the following sole assignment of error for our review:

> THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION WHEN IT DENIED DEFENDANTS MOTION

> FOR RECONSIDERATION ON FEB 10, 2026, HIS MOTION TO DISMISS PENDING FIREARM SPECIFICATIONS THAT WERE NOT ATTACHED AND WAS NOT SENTENCED FOR NOR WAS THE SPECIFICATIONS MERGED OR DISMISSED AND ARE STILL PENDING IN VIOLATION OF THE EQUAL PROTECTION CLAUSE, AND DUE PROCESS, UNDER THE OHIO. CONST ART.I, § 16 AND THE UNITED STATES CONSTITUTION AMENDMENTS 14.

(Sic passim.)

III. Discussion

{¶ 7} Article IV, Section 3(B)(2) of the Ohio Constitution confers jurisdiction for district courts of appeals. This section states, in relevant part, that district courts may "affirm, modify, or reverse judgments or final orders" of lower courts. Final orders are, among other things, those orders affecting substantial rights. R.C. 2505.02(B)(1). Division (A)(1) of R.C. 2505.02 defines "substantial rights" as those rights conferred by the either the federal or state constitution, statute, common law, or rules of procedure.

{¶ 8} There are two motions that are relevant to this appeal: (1) the motion for dismissal of firearm specifications, and (2) the motion for reconsideration. First, McKinney's June 17, 2025 motion requested dismissal of the firearm specifications he was convicted of at trial because, he argued, he was prevented from exercising his statutory right to appeal those convictions. *See* R.C. 2953.02. Since the right to appeal a conviction is statutory, McKinney is invoking a "substantial right." *See Abney v. United States*, 431 U.S. 651, 656 (1977) ("it is well settled that there is no constitutional right to an appeal"). Accordingly, the trial court's denial of McKinney's motion to dismiss firearm specifications was a final order.[1]

{¶ 9} The motion for reconsideration is different. After the trial court denied McKinney's motion to dismiss firearm specifications, McKinney appealed that denial, then withdrew the appeal and moved the trial court to reconsider its denial. As the trial court noted, "[McKinney] seeks reconsideration of this Court's previous final order. Trial court's [sic] lack the authority to reconsider a previous final order." (Aug. 8, 2025 Entry at 2.) In *Pitts v. Ohio Dept. of Transp.*, 67 Ohio St.2d 378, 379 (1981), the Supreme Court of Ohio

[1] As noted above, McKinney already timely appealed his conviction and separately requested a resentencing. As such, the lower court is correct that res judicata would apply to any additional arguments McKinney raised or could have raised regarding his sentence.

held that "motions for reconsideration are not allowable either expressly or impliedly in the trial court after a final judgment." The Supreme Court noted that the Ohio Rules of Civil Procedure provide a discreet number of motions seeking relief from judgments. For example, Civ.R. 50(B) allows for motions notwithstanding verdicts. Civ.R. 60(B) allows for relief from final judgments, but only through procedures prescribed by the Rules of Civil Procedure. Neither the Rules of Civil nor Criminal Procedure permit a motion for reconsideration in the trial court of a final judgment. *See Pitts* at 380.

{¶ 10} This court has repeatedly recognized that there is no rule permitting a party to request a trial court reconsider its own final judgment. *See State v. Fedor*, 2023-Ohio-1455, ¶ 9 (10th Dist.), and *State v. Kendig*, 2014-Ohio-5529, ¶ 6 (10th Dist.). Since McKinney's June motion for reconsideration was a legal nullity, he does not appeal from a final order, and this court lacks the authority to review the trial court's August 8, 2025 ruling.

IV. Conclusion

{¶ 11} Having determined that McKinney has not appealed a final order, we dismiss this appeal for lack of jurisdiction.

Appeal dismissed.

BOGGS, P.J., and MENTEL, J., concur.