

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY**

STATE OF OHIO,
CITY OF KENT,

Plaintiff-Appellee,

- vs -

DANA BETH RIVKIND,

Defendant-Appellant.

CASE NO. 2023-P-0004

Criminal Appeal from the
Municipal Court, Kent Division

Trial Court No. 2018 CRB 00215 K

MEMORANDUM
OPINION

Decided: February 21, 2023
Judgment: Appeal dismissed

Hope L. Jones, The City of Kent, Ohio Law Director, 320 South Depeyster Street, Kent, OH 44240 (For Plaintiff-Appellee).

Michael H. Shaut, Shaut Law, 20600 Chagrin Boulevard, Suite 470, Shaker Heights, OH 44122 (For Defendant-Appellant).

EUGENE A. LUCCI, J.

{¶1} On January 24, 2023, appellant, Dana Beth Rivkind, through counsel, filed a notice of appeal from the following Portage County Municipal Court, Kent Division, entries: 1) a September 25, 2018 sentencing entry; 2) an April 26, 2022 entry denying appellant's motion to vacate; 3) an October 13, 2022 entry denying appellant's motions to withdraw her guilty plea, petition for post-conviction relief, and motion for reconsideration; and 4) a December 29, 2022 entry denying appellant's motion for reconsideration.

{¶2} As to the December 29, 2022 entry, a trial court cannot reconsider a valid final appealable order in a criminal case. *State v. Cozzone*, 11th Dist. Geauga No. 2017-G-0141, 2018-Ohio-2249, ¶34. See also *State v. Clark*, 3d Dist. Logan No. 8-18-10, 2018-Ohio-4168, ¶12. A motion for reconsideration of a trial court's final judgment is a nullity. *Pitts v. Ohio Dept. of Transp.*, 67 Ohio St.2d, 378, 379 (1981).

{¶3} The trial court's September 25, 2018, April 26, 2022, and October 13, 2022 entries were all final orders which were not timely appealed. Thus, the appeal time in App.R. 4(A) has run to appeal those entries.

{¶4} Further, because motions for reconsideration are a nullity, the December 29, 2022 entry denying appellant's motion is not subject to appeal.

{¶5} Appeal dismissed.

JOHN J. EKLUND, P.J.,

MARY JANE TRAPP, J.,

concur.