[Cite as *State v. Stone*, 2026-Ohio-4505.]

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CLARK COUNTY

STATE OF OHIO	:	
	:	C.A. No. 2026-CA-28
Appellee	:	
	:	Trial Court Case No. 04-CR-185
v.	:	
	:	(Criminal Appeal from Common Pleas
JAMARR R. STONE	:	Court)
	:	
Appellant	:	**FINAL JUDGMENT ENTRY & OPINION**
	:	

. . . . . .

Pursuant to the opinion of this court rendered on November 13, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



MARY K. HUFFMAN, JUDGE

TUCKER, J., and HANSEMAN, J., concur.

OPINION
CLARK C.A. No. 2026-CA-28

JAMARR R. STONE, Pro Se Appellant
JOHN M. LINTZ, Attorney for Appellee

HUFFMAN, J.

{¶ 1} Jamarr R. Stone appeals from a February 19, 2026 judgment entry denying his request to vacate a void judgment entry of conviction. For the following reasons, the judgment of the trial court is affirmed.

I. Facts and Procedural History

{¶ 2} In March 2004, Stone was indicted on one count of murder with a firearm specification and tampering with evidence. The indictment arose from the February 26, 2004 shooting death of W.E. outside the Boris Nightclub in Springfield. On June 29, 2004, Stone pled guilty to one count of murder, an unclassified felony, and the specification and tampering charge were dismissed. He was sentenced on July 1, 2004, to a term of fifteen years to life in prison. Stone did not file a direct appeal, but he subsequently challenged his guilty plea and his judgment entry of conviction several times.

Stone I

{¶ 3} In November 2004, Stone filed a motion to withdraw his guilty plea or, in the alternative, a petition to set aside the judgment and conviction. In March 2006, the trial court overruled his motion to withdraw his guilty plea and dismissed his petition for post-conviction relief, finding that Stone's petition, while timely, was not supported by credible affidavits. The crux of Stone's argument before the trial court was that he had secured affidavits from his fiancé, Andrea Carter, and her sister, Aquilla Carter, disputing evidence of his guilt. This court found the trial court did not abuse its discretion in denying Stone's petition and affirmed

the judgment of the trial court. *State v. Stone,* 2007-Ohio-801 (2d Dist.) (*Stone I).*

Stone II

{¶ 4} Stone filed a second petition for post-conviction relief in May 2011. He attached five affidavits to his petition, some from individuals who claimed to have been eyewitnesses to the altercation between Stone and W.E. or events preceding the confrontation, others from individuals who observed the behavior of Stone or W.E., and still others from individuals whose affidavits relied on hearsay and other speculative claims. The trial court dismissed Stone's petition, finding that he had failed to meet his burden for a successive post-conviction petition.

{¶ 5} On appeal, this court agreed with the conclusion of the trial court because the identities of the affiants who claimed to be witnesses to the altercation were known to Stone at the time of the shooting, as he was in their company when the interaction with W.E. occurred, and the additional affidavits relied upon hearsay or were based upon unsupported speculation. In affirming the dismissal of his second petition, this court reiterated that Stone had entered a counseled plea of guilty, and that the transcript of the plea hearing and his statements at sentencing contradicted the affidavits he attached to his petition. Further, since Stone failed to show that he was unavoidably prevented from discovering the facts upon which he relied for relief, and since he did not identify a new and retroactive federal or state right upon which his claim was based, no abuse of discretion was shown in the trial court's dismissal of Stone's petition without a hearing. *State v. Stone*, 2012-Ohio-4755 (2d Dist.) (*Stone II*).

Stone III

{¶ 6} In 2016, Stone filed a motion for resentencing based on a void judgment and another motion to withdraw his guilty plea. The trial court denied those motions in January

2017, and Stone did not appeal. In 2018, Stone once again filed a motion to withdraw his guilty plea and a motion to correct a void judgment of conviction. In 2019, the trial court denied his most recent motions, concluding that they were barred by res judicata because similar motions had previously been filed and denied. Stone appealed and argued that since the trial court incorrectly informed him at sentencing that he would be subject to post-release control, he should be permitted to withdraw his plea. This Court affirmed the trial court's decision finding that his motion to withdraw his guilty plea was barred by res judicata. *State v. Stone*, 2020-Ohio-1407, ¶ 17 (2d Dist.) (*Stone III*).

{¶ 7} Stone also argued that because his judgment entry of conviction failed to state the manner of conviction, it was not a final order. This Court relied on the Ohio Supreme Court's opinion in *State v. Lester*, 2011-Ohio-5204, and determined that because the judgment of conviction set forth the fact of the conviction, the sentence, the judge's signature, and a time stamp indicating the entry upon the journal by the clerk that Stone's judgment entry of conviction was a final order. *Id. at* ¶ 27. However, we vacated that portion of the judgment entry of conviction which erroneously imposed a term of post-release control, without remand. *Id. at* ¶ 19. This court found that while the judgment entry of conviction imposed a term of post-release control, it "could not have influenced Stone's decision to plead guilty. He pled before the entry was filed and nothing in the record shows that the trial court even notified Stone that he would have to serve a term of post-release control." *Id.* at ¶ 18. Further, the trial court "never talked about post-release control at the plea or sentencing hearings. Before accepting Stone's guilty plea, the trial court told Stone that the only penalty he faced was prison." *Id*. This court ultimately concluded that there could be no confusion on Stone's part that his prison sentence was a mandatory 15 years to life. *Id.*

{¶ 8} Stone also argued that the judgment entry of conviction was defective because it stated incorrectly that "the defendant has been convicted of Murder, a violation of Revised Code Section 2903.02, *subject to division (B) of Section 2929.13* of the Ohio Revised Code as set forth in Count I of the amended Indictment." (Emphasis added.) Stone contended that the trial court meant to say "subject to division (A) of 2903.02," but this court concluded "most likely that the trial court intended to say in the judgment entry, 'subject to division (B) of 2929.02.'" *Id*. at ¶ 30. This court noted, "Stone has not identified any prejudice from this apparent mistake in the judgment entry. Indeed, he calls it a clerical error. Because this apparent clerical error is entirely inconsequential, we see no compelling reason to require the trial court to correct it." *Id. at* ¶ 31.

Stone IV

{¶ 9} In 2021, Stone filed another motion to withdraw his guilty plea, contending that because he bargained for a term of post-release control, rather than parole, in his plea agreement, and since this court ordered that the portion of the judgment entry of conviction imposing post-release control be vacated in his prior appeal, a withdrawal of his plea was warranted. On April 1, 2022, this Court affirmed the trial court's denial of his motion and determined, again, that Stone's arguments were barred by res judicata. *State v. Stone*, 2022-Ohio-1117 (2d Dist.) (*Stone IV)*.

Motion to Vacate

{¶ 10} While *Stone IV* was pending before this court, on December 7, 2021, Stone filed a pro se Motion to Vacate Judgment on Grounds of Fraud Upon the Court and later filed various supplements to that motion, which are the subject of a separate appeal pending before this court. *See State v. Stone*, No. 2026-CA-44 (2d Dist. May 12, 2026). While those motions remained pending, on January 12, 2022, Stone filed a pro se motion with the trial

court seeking to vacate the judgment entry of conviction, arguing that the entry was faulty. Stone claimed that he was indicted for one count of murder in violation of R.C. 2903.02(A), but the judgment entry of conviction entered by the trial court indicated he was sentenced for a violation of R.C. 2903.02(B). He also argued that the error in the judgment entry of conviction affected a decision of the Ohio Parole Board (OPB) denying him release on parole.

{¶ 11} In October 2022, counsel entered an appearance on Stone's behalf and requested a stay so that counsel could review the pending motions. On March 28, 2024, Stone's counsel filed a motion to lift the stay. In February 2026, the trial court denied Stone's January 12, 2022 request to vacate the judgment entry of conviction without a hearing, finding that the issues presented had previously been litigated and were barred by res judicata. The court also found that Stone's claims represented a successive petition for post-conviction relief and that the request was untimely. Stone appealed.

II. Assignments of Error and Analysis

{¶ 12} Stone asserts three assignments of error. First, he argues that res judicata does not bar his claim, as the purported injury in the form of denial of parole had not yet occurred during the pendency of his prior motions and appeals. Second, he argues that the trial court improperly characterized his motion as a petition for post-conviction relief. Finally, he asserts that the trial court failed to correct his sentence, creating an ongoing manifest injustice and continuing harm.

{¶ 13} Distilled to their essence, Stone's arguments are: 1) that because the sentencing entry indicated that he pled to a violation of R.C. 2903.02(A) rather than R.C. 2903.02(B), and because the trial court did not amend its entry to remove post-release control language that we previously vacated, the judgment is void, and 2) because he did

not suffer a consequence resulting from the error until after he appeared before the OPB, res judicata is not applicable to the motion. We will consider his assignments of error together, as they are inextricably related.

{¶ 14} At the outset, we first conclude that it is immaterial whether the trial court improperly characterized Stone's motion as a petition for post-conviction relief. This is so because no matter how characterized, the arguments made in his motion are barred by res judicata.

{¶ 15} Further, we reject Stone's claims that the clerical errors in the judgment entry of conviction filed in 2004 rendered the judgment void. A void judgment is rendered by a court without jurisdiction. It is a mere nullity and can be disregarded. A voidable judgment, though, is one pronounced by a court with jurisdiction. Unless vacated on appeal, a voidable judgment has the force of a valid legal judgment, and the failure to timely assert an error in a voidable judgment results in the forfeiture of any objection to that judgment. *State v. Duncan*, 2023-Ohio-1684, ¶ 13 (2d Dist.), citing *State v. Henderson*, 2020-Ohio-4784, ¶ 17. Because the trial court had jurisdiction over the matter, the judgment was not void, but voidable.

{¶ 16} We now turn to whether res judicata bars Stone's failure to timely assert an error related to the judgment entry of conviction. In *Stone IV*, we noted, "[t]he doctrine of res judicata bars a criminal defendant from raising and litigating in any proceedings any defense or claimed lack of due process that was raised or could have been raised on direct appeal from the conviction." *Stone IV*, 2022-Ohio-1117, at ¶ 18 (2d Dist.), citing *State v. Young*, 2005-Ohio-5584, ¶ 8 (2d Dist.). "Thus, the doctrine serves to preclude a defendant who has had his day in court from seeking a second on that same issue. In so doing, res judicata promotes the principles of finality and judicial economy by preventing endless relitigation of

an issue on which a defendant has already received a full and fair opportunity to be heard." *State v. Saxon*, 2006-Ohio-1245, ¶ 18. "Alleged sentencing errors that could have been raised on direct appeal are generally barred by res judicata when they are subsequently asserted in a postconviction petition or motion." *State v. Elkins*, 2023-Ohio-4521, ¶ 15 (10th Dist.), citing *State v. Jennings*, 2020-Ohio-5154, ¶ 7 (10th Dist.).

{¶ 17} During the more than twenty years since Stone's guilty plea and conviction, he has made piecemeal arguments regarding his plea and judgment entry of conviction, all of which were apparent from the record in 2004. Stone argues that res judicata does not apply to his claim because: 1) the clerical error in his sentencing entry related to the subsection of the murder statute to which he entered a guilty plea; 2) this court vacated the advisement of post-release control; 3) a clerical error associated with a sentencing statute continued to be part of the record before the OPB; and 4) his claim was not ripe his until his 2020 and 2025 OPB Release Consideration hearings.

{¶ 18} It is undisputed that Stone was charged with and pled guilty to murder, a violation of R.C. 2903.02(A), which states "no person shall purposely cause the death of another or the unlawful termination of another's pregnancy." The judgment entry of conviction does not, as Stone claims, expressly or implicitly reference R.C. 2903.02(B). Instead, the judgment entry of conviction states that Stone was convicted of "Murder, a violation of Revised Code Section 2903.02," without specific reference to either subsection (A) or (B).

{¶ 19} Although the judgment entry of conviction does not specify between the two forms of murder set forth in R.C. 2903.02, Stone does not suggest that any error in the judgment entry of conviction was unknown to him or could not have been raised on direct appeal from that judgment. Furthermore, Stone has failed to identify any real prejudice that

could be associated with a misstatement of the subsection of murder for which he entered a plea. Both subsections of the murder statute permit one single sentence – fifteen years to life in prison.

{¶ 20} Stone's claim of a distinct harm, namely denial of parole, arising after our prior decisions, does not overcome the application of res judicata. Stone claims in his brief that "Ohio law limits the res [judicata] to matters that were ripe and resulted in final adjudication," citing *State v. Perry*, 10 Ohio St.2d 175 (1967), in support of his argument. He also argues the Supreme Court's opinion in *State v. Davis*, 2011-Ohio-5028, supports his conclusion that because his alleged injury, i.e., denial of parole, arose after this court's prior decisions, res judicata is inapplicable, thereby permitting him to pursue relief. But even a cursory review of *Perry* and *Davis* reveals that Stone's reliance on those opinions is misplaced, and the holdings in each of the two cases are inconsistent with Stone's arguments. Further, if res judicata were inapplicable each time a new potential harm or remedy was conjured, there would be no finality to a judgment entry of conviction. It is Stone's unabated assault on the judgment entry of conviction, from new angles and with new theories, consuming resources of the court, that res judicata is intended to prevent.

{¶ 21} Stone's argument also fails because OPB members would have known that he was not subject to post-release control for the offense of murder. Additionally, Stone was free to bring to the attention of the OPB any matters related to the sentencing entry, including the superfluous post-release control notification which we previously vacated and any clerical error in the sentencing entry, during his hearings.

{¶ 22} All of the issues about which Stone complains were contained within the trial court's 2004 judgment entry of conviction and were matters known to Stone, or could have been known to him, and thus should have been the subject of a direct appeal from that

judgment. As Stone could have asserted his arguments in a direct appeal, the trial court did not abuse its discretion in concluding that res judicata barred the vacation of his judgment entry of conviction.

III. Conclusion

{¶ 23} For the reasons stated above, Stone's assigned errors are overruled. The judgment of the trial court is affirmed.

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TUCKER, J., and HANSEMAN, J., concur.