

**COURT OF APPEALS OF OHIO**

**EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	
	:	Nos. 112149 and 112150
v.	:	
	:	
RASHAUNE RAMSEY,	:	
	:	
Defendant-Appellant.	:	

---

**JOURNAL ENTRY AND OPINION**

**JUDGMENT: AFFIRMED**

**RELEASED AND JOURNALIZED: July 13, 2023**

---

Criminal Appeal from the Cuyahoga County Court of Common Pleas  
Case No. CR-98-363633-A

---

***Appearances:***

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Sarah E. Hutnik, Assistant Prosecuting Attorney, *for appellee*.

Rashaune Ramsey, *pro se*.

EILEEN T. GALLAGHER, J.:

{¶ 1} In this consolidated appeal, defendant-appellant, Rashaune Ramsey (“Ramsey”), appeals pro se from the trial court’s judgment denying his postconviction motions. Ramsey raises the following assignments of error for review:

1. The trial court abused its discretion and denied [Ramsey] of his Fourteenth Amendment due process and equal protection right[s], and acted in a capricious and [arbitrary] manner by denying [Ramsey's] motion for the trial court to dispose of all charges and attendant firearm specifications by dismissal pursuant to Crim.R. 48(B), and for the court to provide him with a final, appealable order after dismissal pursuant to Crim.R. 32(C). *See State v. Craig*, Slip Opinion No. 2020-Ohio-455, ¶¶ 9-14.

2. The trial court abused its discretion and denied [Ramsey] of his Fourteenth Amendment due process and equal protection right[s], and acted in a capricious and arbitrary manner by denying [Ramsey's] motion for the trial court to determine sexually oriented offense tier level classification status and notice of registration requirements pursuant to [R.C. 2950.01], with classification hearing demanded.

{¶ 2} After careful review of the record and relevant case law, we affirm the trial court's judgment.

### **I. Procedural and Factual History**

{¶ 3} In May 1998, Ramsey was named in a 12-count indictment in Cuyahoga County C.P. No. CR-98-363633-A, charging him with aggravated burglary in violation of R.C. 2911.11 (Count 1); aggravated robbery in violation of R.C. 2911.01 (Count 2); aggravated robbery in violation of R.C. 2911.01 (Count 3); rape in violation of R.C. 2907.02 (Count 4); rape in violation of R.C. 2907.02 (Count 5); rape in violation of R.C. 2907.02 (Count 6); rape in violation of R.C. 2907.02 (Count 7); rape in violation of R.C. 2907.02 (Count 8); kidnapping in violation of R.C. 2905.01 (Count 9); kidnapping in violation of R.C. 2905.01 (Count 10); grand theft in violation of R.C. 2913.02 (Count 11); and possession of criminal tools in violation of R.C. 2923.24 (Count 12). Counts 1-10 carried one- and three-year firearm specifications.

{¶ 4} In September 1998, Ramsey pleaded guilty to single counts of aggravated robbery, rape, and kidnapping, each with corresponding firearm specifications, as charged in Counts 3, 4, and 9 of the indictment. In exchange for his guilty pleas, the remaining counts were nolle. At the time of sentencing, the trial court imposed an aggregate prison term of 13 years. Ramsey did not appeal from his convictions or sentence.

{¶ 5} Following his release from prison, Ramsey executed a form with the Cuyahoga County Sheriff's Office on September 13, 2011, acknowledging that he was provided sufficient notice of his registration requirements as a "(Pre AWA) sexually oriented offender." The form expressly notified Ramsey that he was required to verify his address annually for a period of ten years and that the failure to do so would "result in criminal prosecution."

{¶ 6} In 2014, Ramsey was charged and convicted in Richland County C.P. No. CR-14-0343(D) with one count of rape; two counts of kidnapping; two counts of drug possession; and one count of failure to register a change of address as a sexually oriented offender. Ramsey was sentenced to a total prison term of 25 years to life and was classified as a tier III sex offender pursuant to the Adam Walsh Act. *See State v. Ramsey*, 5th Dist. Richland No. 14CA90, 2015-Ohio-4812, ¶ 39.

{¶ 7} Nearly 24 years after his convictions and sentence in Cuyahoga C.P. No. CR-98-363633-A, Ramsey filed a "motion for trial court to dispose of all charges and attendant firearm specification[s] by dismissal pursuant to Crim.R. 48(B), and for the court to provide a final appealable order after dismissal pursuant to Crim.R.

32(C).” Ramsey argued that the dismissal of his charges was appropriate because the trial court’s judgment entry of conviction failed to dispose of all counts and attendant firearm specifications.

**{¶ 8}** The state opposed the motion, arguing that the arguments raised in Ramsey’s motion are barred by the doctrine of res judicata. Alternatively, the state maintained that if Ramsey’s motion is not barred by res judicata, the 1998 sentencing journal entry conformed to Crim.R. 32(C) and, therefore, constituted a final, appealable order.

**{¶ 9}** In August 2022, Ramsey also filed a “motion for trial court to determine sexually oriented offense tier level classification status and notice of registration requirements pursuant to [the Adam Walsh Act], with classification hearing demanded.” In pertinent part, Ramsey argued that his classification status with the Cuyahoga County Sheriff’s Department is “a legal nullity” because the trial court did not provide adequate notice of his registration obligations at the time of sentencing and failed to incorporate such information into the sentencing journal entry. Thus, Ramsey sought a hearing “to determine his sexually oriented offense tier classification,” and an order directing the Cuyahoga County Sheriff’s Department to vacate any classifications or sanctions that were issued without a journalized order.

**{¶ 10}** In its brief in opposition, the state disputed the applicability of the Adam Walsh Act and maintained that Ramsey was automatically classified as a sexually oriented offender pursuant to the former Megan’s Law upon his conviction

for a sexually oriented offense in 1998. Accordingly, the state asserted that Ramsey “is not entitled to a different classification or a hearing on the matter.”

{¶ 11} In November 2022, the trial court summarily denied each motion.

{¶ 12} Ramsey now appeals from the trial court’s judgments.

## **II. Law and Analysis**

### **A. Crim.R. 32(C)**

{¶ 13} In the first assignment of error, Ramsey argues the trial court abused its discretion by denying his motion “to dispose of all charges and attendant firearm specification[s] by dismissal pursuant to Crim.R. 48(B), and for the court to provide a final appealable order after dismissal pursuant to Crim.R. 32(C).” Ramsey contends that the sentencing journal entry in Cuyahoga C.P. No. CR-98-363633-A did not comply with “the dictates found in Crim.R. 32(C) and R.C. 2505.02” because it (1) failed to dispose of Counts 1, 2, 5, 6, 7, 8, 10, 11, and 12 of the indictment and their attendant firearm specifications, and (2) failed to dispose of the one-year firearm specifications attached to Counts 3, 4, and 9 of the indictment. We disagree.

{¶ 14} To the extent that Ramsey’s pro se motion can be construed as a motion for postconviction relief pursuant to R.C. 2953.21, we review the trial court’s decision for an abuse of discretion. *State v. Hatton*, 169 Ohio St.3d 446, 2022-Ohio-3991, 205 N.E.3d 513, ¶ 38, citing *State v. Gondor*, 112 Ohio St.3d 377, 2006-Ohio-6679, 860 N.E.2d 77, ¶ 51-52, 58. A trial court abuses its discretion only if its decision is unreasonable, arbitrary, or unconscionable. *State ex rel. DiFranco v. S.*

*Euclid*, 144 Ohio St.3d 571, 2015-Ohio-4915, 45 N.E.3d 987, ¶ 13; *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219, 450 N.E.2d 1140 (1983).

{¶ 15} Generally, the doctrine of res judicata bars a defendant from litigating claims in a proceeding subsequent to the direct appeal if those claims were raised or could have been raised at trial that resulted in that judgment of conviction or on appeal from that judgment. *State v. Jackson*, 141 Ohio St.3d 171, 2014-Ohio-3707, 23 N.E.3d 1023, ¶ 92. “Therefore, any issue that could have been raised on direct appeal and was not is res judicata and therefore not subject to review in subsequent proceedings.” *State v. Nicholson*, 8th Dist. Cuyahoga No. 100026, 2014-Ohio-607, ¶ 10, citing *State v. Saxon*, 109 Ohio St.3d 176, 2006-Ohio-1245, 846 N.E.2d 824, ¶ 16. The doctrine of 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.” *Saxon* at ¶ 18.

{¶ 16} In this case, we reiterate that Ramsey did not file a direct appeal from his convictions in Cuyahoga C.P. No. CR-98-363633-A and completed his 13-year term of imprisonment more than a decade ago. Whether the trial court complied with the requirements of Crim.R. 32(C) and R.C. 2505.02 is an issue that is readily apparent on the record as it existed in 1998. In this regard, Ramsey could have challenged the adequacy of his sentencing journal entry in a direct appeal from that judgment; but failed to do so. This failure bars his attempt to litigate this issue approximately 25 years later. *See State ex rel. Woods v. Dinkelacker*, 152 Ohio St.3d 142, 2017-Ohio-9124, 93 N.E.3d 965, ¶ 7 (“[R]es judicata bars him from raising his

claim that the entry did not comply with Crim.R. 32.”); *State ex rel. Newell v. Gaul*, 135 Ohio St.3d 187, 2013-Ohio-68, 985 N.E.2d 463, ¶ 2; *State v. Peoples*, 10th Dist. Franklin No. 14AP-271, 2014-Ohio-5526, ¶ 9-10; *Nicholson* at ¶ 10; *State v. Cockcroft*, 10th Dist. Franklin No. 17AP-9, 2017-Ohio-7614.

{¶ 17} Moreover, even if Ramsey’s claims were not barred by res judicata, we find them to be meritless. A judgment of conviction is a final order subject to appeal under R.C. 2505.02 when the judgment entry sets forth (1) the fact of the conviction, (2) the sentence, (3) the judge’s signature, and (4) the time stamp indicating the entry upon the journal by the clerk. *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142, paragraph one of the syllabus. A sentencing journal entry that disposes of some, but not all of the counts of which a defendant is convicted, is not a final, appealable order. *See State v. Craig*, 159 Ohio St.3d 398, 2020-Ohio-455, 151 N.E.3d 574, ¶ 21; *State v. Jackson*, 151 Ohio St.3d 239, 2017-Ohio-7469, 87 N.E.3d 1227, ¶ 11 (“a valid judgment of conviction requires a full resolution of any counts for which there were convictions”); *State ex rel. Davis v. Cuyahoga Cty. Court of Common Pleas*, 127 Ohio St.3d 29, 2010-Ohio-4728, 936 N.E.2d 41, ¶ 2 (sentencing journal entry is a final, appealable order when it fully resolves all counts for which there were convictions). However, a valid judgment of conviction does not “require a reiteration of those counts and specifications for which there were no convictions, but were resolved in other ways, such as dismissals, nolle counts, or not guilty findings.” *Davis* at ¶ 2, quoting *State ex rel. Davis v. Cuyahoga Cty. Court of Common Pleas*, 8th Dist. Cuyahoga No. 93814, 2010-Ohio-1066, ¶ 8.

**{¶ 18}** In this case, the trial court’s 1998 sentencing journal entry constituted a final, appealable order from which no direct appeal was taken. The journal entry specifically states that Ramsey pleaded guilty to aggravated robbery with a three-year firearm specification as charged in Count 3, rape with a three-year firearm specification as charged in Count 4, and kidnapping with a three-year firearm specification as charged in Count 9. The journal entry reflects the sentences imposed on each count and further provides that the concurrent prison terms imposed on Counts 3 and 4 were to run consecutively to the prison term imposed on Count 9 and its attendant firearm specification. Finally, the sentencing journal entry contains the trial judge’s signature and a valid time stamp indicating the entry upon the journal by the clerk.

**{¶ 19}** Contrary to Ramsey’s position on appeal, the sentencing journal entry was not required to resolve the offenses that were previously nolleed at the time of Ramsey’s plea hearing. Nor was the trial court’s alleged failure to resolve each firearm specification jurisdictional. *See State ex rel. Carter v. Saffold*, 8th Dist. Cuyahoga No. 100322, 2013-Ohio-5596, ¶ 5 (“The failure of a trial court to address a specification constitutes a sentencing error that must be addressed upon appeal.”), citing *State ex rel. Jones v. Ansted*, 131 Ohio St.3d 125, 2012-Ohio-109, 961 N.E.2d 192; *see also State ex rel. Rodriguez v. Barker*, 158 Ohio St.3d 39, 2019-Ohio-4155, 139 N.E.3d 885, ¶ 9 (reaffirming the proposition that the failure to resolve a firearm specification does not affect the finality of a sentencing entry).

**{¶ 20}** The first assignment of error is overruled.



## **B. Sexual-Offender Classification**

**{¶ 21}** In the second assignment of error, Ramsey argues the trial court abused its discretion by denying his request for the court to hold a hearing to determine his “sexually oriented offense tier level classification status” and “provide [him] notice of his registration requirements pursuant [R.C. 2950.01, et seq., as amended by S.B.10, also known as the “Adam Walsh Act].” Ramsey contends that the court’s failure to notify him of his registration requirements in open court deprived him of his constitutional protections and resulted in substantial prejudice.

**{¶ 22}** Contrary to Ramsey’s reference to the statutory provisions governing the Adam Walsh Act, there is no dispute that Ramsey committed the relevant offenses before January 1, 2008. Thus, in relation to Cuyahoga C.P. No. CR-98-363633-A, Ramsey was subject to the sexual-offender-classification system under former R.C. Chapter 2950, et seq., originally known as H.B. 180 or “Megan’s Law.” *See State v. Kahn*, 8th Dist. Cuyahoga No. 104360, 2017-Ohio-4067, ¶ 25 (offenders who committed their offenses prior to January 1, 2008, are subject to the sexual-offender-classification system and hearing requirements under “Megan’s Law”).

**{¶ 23}** Under Megan’s Law, there are three classifications for sexual offenders: (1) sexually oriented offender, (2) habitual sex offender, and (3) sexual predator. The main distinctions between the classifications are the reporting requirements. A sexually oriented offender must register his or her address annually for ten years. A habitual sex offender must register his or her address annually for 20 years. Finally, a sexual predator must register his or her address

every 90 days for life. *See* former R.C. 2950.04(C)(2)]; former 2950.06(B)(1) and (2); and former 2950.07(B)(1) and (2).

{¶ 24} Relevant to this case, the “sexually oriented offender” classification is the least restrictive classification. *State v. Hayden*, 96 Ohio St.3d 211, 2002-Ohio-4169, 773 N.E.2d 502, ¶ 9. Although R.C. Chapter 2950 does not define “sexually oriented offender,” the Ohio Supreme Court explained that “a ‘sexually oriented offender’ is a person ‘who has committed a “sexually oriented offense” as that term is defined in R.C. 2950.01(D) but who does not fit the description of either habitual sex offender or sexual predator.’” *Id.*, quoting *State v. Cook*, 83 Ohio St.3d 404, 407, 700 N.E.2d 570 (1998), and *State v. Williams*, 88 Ohio St.3d 513, 519, 728 N.E.2d 342 (2000). Generally, “an offender is ‘automatically classified as a sexually oriented offender’ upon conviction for a sexually oriented offense.” *State ex rel. Grant v. Collins*, 155 Ohio St.3d 242, 2018-Ohio-4281, 120 N.E.3d 804, ¶ 14, quoting *Hayden* at ¶ 15.

{¶ 25} Without addressing the substance of the sentencing journal entry in Cuyahoga C.P. No. CR-98-363633-A or the court’s alleged failure to hold a classification hearing in 1998,<sup>1</sup> we find the relief sought within this assigned error to be moot. *See State v. Campbell*, 8th Dist. Cuyahoga No. 103982, 2016-Ohio-7613, ¶ 7 (“A case or issue is moot when it becomes ‘academic’; that is, the court can issue

---

<sup>1</sup> We note that the transcript of the proceedings in Cuyahoga C.P. No. CR-98-363633-A is not before this court. Therefore, it is unclear whether the classification issue was addressed or otherwise resolved by the trial court on the record. Nevertheless, Ramsey correctly notes that the sentencing journal entry is equally silent regarding his classification status.

no decision that will have any practical affect on the controversy.”), citing *State ex rel. Cincinnati Enquirer v. Hunter*, 141 Ohio St.3d 419, 2014-Ohio-5457, 24 N.E.3d 1170, ¶ 4, quoting *In re L.W.*, 168 Ohio App.3d 613, 2006-Ohio-644, 861 N.E.2d 546, ¶ 11 (10th Dist.).

**{¶ 26}** Given the amount of time that has passed since Ramsey’s release from prison in Cuyahoga C.P. No. CR-98-363633-A, and consistent with the language of the notice form executed by Ramsey on September 13, 2011, the duration of the registration requirements Ramsey was subject to under the former Megan’s Law are no longer applicable or have otherwise expired. Ramsey’s current registration requirements are governed by the Adam Walsh Act and are predicated on Ramsey’s subsequent convictions in Richland County C.P. No. CR-14-0343(D). As a Tier III sex offender, Ramsey is now required to register his address with the sheriff’s office in the county where he resides, every 90 days for life. R.C. 2950.01(E) through (G); 2950.06(B); 2950.07(B). Any arguments concerning Ramsey’s resulting conviction for failure to register a change of address as a sexually oriented offender in Richland County C.P. CR-14-0343(D) are not properly before this court and should have been raised in his direct appeal in *Ramsey*, 5th Dist. Richland No. 14CA90, 2015-Ohio-4812.

**{¶ 27}** The second assignment of error is overruled.

**{¶ 28}** Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

---

EILEEN T. GALLAGHER, JUDGE

EILEEN A. GALLAGHER, P.J., and  
MARY EILEEN KILBANE, J., CONCUR