

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	
	:	No. 116611
v.	:	
	:	
RAFAEL ROBINSON,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: October 22, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-07-500866-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Tasha L. Forchione, Assistant Prosecuting Attorney, *for appellee*.

Rafael Robinson, *pro se*.

EILEEN A. GALLAGHER, J.:

{¶ 1} This cause came to be heard on the accelerated calendar pursuant to App.R. 11.1 and Loc.App.R. 11.1. Rafael Robinson (“Robinson”), acting pro se,

appeals the trial court's denial of his motion to terminate his postrelease control supervision. For the following reasons, we affirm the trial court's judgment.

I. Facts and Procedural History

{¶ 2} On December 8, 2009, the court issued a journal entry stating that Robinson pled guilty to involuntary manslaughter with firearm specifications, attempted murder with firearm specifications and having weapons while under disability. In this journal entry, the court sentenced Robinson to 15 years in prison and five years of mandatory postrelease control pursuant to R.C. 2967.28. Neither Robinson nor the State appealed this judgment.

{¶ 3} Robinson completed his prison sentence and was released in November 2024.

{¶ 4} On May 29, 2026, Robinson filed a motion to terminate his postrelease control supervision, arguing that “the sentencing journal entry in this matter failed to include the legally required postrelease control advisements — specifically, the consequences for violating postrelease control — rendering the imposition of postrelease control void as a matter of law.”

{¶ 5} On June 9, 2026, the court summarily denied Robinson's motion. Robinson appeals raising the following assignment of error for our review:

The trial court erred and abused its discretion in denying Defendant-Appellant's motion to terminate void postrelease control supervision, where the November 30, 2009 sentencing entry failed to satisfy the mandatory requirements of State v. Grimes for valid imposition of postrelease control, and where Defendant-Appellant has completed his prison sentence such that the trial court no longer possesses jurisdiction under R.C. 2929.191 to correct the defective entry.

II. Law and Analysis

{¶ 6} It is well-established law that pro se litigants “must follow the same procedures as litigants represented by counsel.” *State ex rel. Gessner v. Vore*, 2009-Ohio-4150, ¶ 5. “Under Ohio law, pro se litigants are held to the same standard as all other litigants; that is, they must comply with the rules of procedure and must accept the consequences of their own mistakes.” *In re Estate of O’Toole*, 2019-Ohio-4165, ¶ 23 (8th Dist.).

{¶ 7} It is undisputed that Robinson was convicted of two first-degree felonies and one third-degree felony in this case. Pursuant to R.C. 2967.28(B), prison sentences for first-degree felonies “shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender’s release from imprisonment.” Pursuant to R.C. 2929.19(B)(2)(d), when sentencing an offender to prison for a first-degree felony, the court shall, at the sentencing hearing, “[n]otify the offender that the offender will be supervised under [R.C.] 2967.28”

{¶ 8} In *State v. Grimes*, 2017-Ohio-2927, ¶ 1, the Ohio Supreme Court held that

to validly impose postrelease control when the court orally provides all the required advisements at the sentencing hearing, the sentencing entry must contain the following information: (1) whether postrelease control is discretionary or mandatory, (2) the duration of the postrelease-control period, and (3) a statement to the effect that the Adult Parole Authority (“APA”) will administer the postrelease control pursuant to R.C. 2967.28 and that any violation by the offender of the conditions of postrelease control will subject the offender to the consequences set forth in that statute.

{¶ 9} However, the *Grimes* Court noted that this “holding is limited to those cases in which the trial court makes the proper advisements to the offender at the sentencing hearing.” *Id.* at ¶ 20. In *Grimes*, the Court concluded that the defendant “did not introduce a transcript of the [sentencing] hearing into the record, so we must assume the regularity of the sentencing hearing.” *Id.* See also *Natl. City Bank v. Beyer*, 89 Ohio St.3d 152, 160 (2000) (presuming regularity of the court’s proceedings when the record did not include a transcript of the relevant hearing); *Rose Chevrolet v. Adams*, 36 Ohio St.3d 17, 19 (1988) (“[W]here a transcript of any proceeding is necessary for disposition of any question on appeal, the appellant bears the burden of taking the steps required to have the transcript prepared for inclusion in the record.”).

{¶ 10} In this case, Robinson failed to file the transcript of his 2009 sentencing hearing, and it is not part of the record on appeal. Indeed, in Robinson’s praecipe and docketing statement, which he filed with his notice of appeal in this case, he checked the box indicating in bold writing that “appellant acknowledges that no transcript is required to be prepared.” As such, we must presume regularity of the proceedings in the trial court, and we are prevented from reviewing Robinson’s assignment of error. *Lakewood v. Collins*, 2015-Ohio-4389, ¶ 9 (“Failure to file the transcript prevents an appellate court from reviewing an appellant’s assigned errors.”); *25515 Tungsten, LLC v. Ikner*, 2026-Ohio-2930, ¶ 14 (8th Dist.) (The “failure to file a transcript, which is necessary to evaluate the trial

court's judgment, cannot be excused on the basis that [an appellant] is acting pro se.").

{¶ 11} Additionally, even if Robinson had properly filed the transcript in this case, the Ohio Supreme Court's opinion in *State v. Harper*, 2020-Ohio-2913, ¶ 4-6 renders the sentencing journal entry voidable, rather than void, and subject to challenge only on direct appeal. The *Harper* Court held that, when the trial court has jurisdiction to impose a sentence on an offender, "any error in the exercise of that jurisdiction in imposing postrelease control renders the court's judgment voidable, permitting the sentence to be set aside if the error has been successfully challenged on direct appeal." *Id.* at ¶ 4. The Court further held that the voidable judgment in such a case "is not subject to collateral attack [W]e reject the notion that the failure to incorporate a notice of the consequences of a violation of postrelease control in the sentencing entry as required by *Grimes* renders the sentence void to the extent that it does not properly impose postrelease control." *Id.* at ¶ 5-6. As such, because Robinson failed to challenge his sentence on direct appeal, the trial court did not err by denying his motion to terminate his postrelease control supervision.

{¶ 12} Accordingly, Robinson's sole assignment of error is overruled.

{¶ 13} 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 A. GALLAGHER, JUDGE

MICHAEL JOHN RYAN, P.J., and
TIMOTHY W. CLARY, J., CONCUR