[Cite as *State v. Waver*, 2026-Ohio-4575.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE OF OHIO,	:	
Plaintiff-Appellee,	:	No. 116006
v.	:	
JAMES L. WAVER,	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: November 19, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-97-351032-ZA

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Gregory J. Ochocki, Assistant Prosecuting Attorney, *for appellee*.

Marein & Bradley, LLC, and John T. Martin, *for appellant*.

KATHLEEN ANN KEOUGH, J.:

{¶ 1} Defendant-appellant James L. Waver appeals the trial court's decision denying his motion requesting that the trial court issue a final, appealable order. Finding no merit to the appeal, this court affirms the trial court's decision.

I. Procedural History and Background

{¶ 2} In 1998, a jury found Waver guilty of two counts of rape and one count of felonious assault. The trial court subsequently found him to be a sexually violent predator and that he acted with sexual motivation — specifications attendant to each count. The trial court ordered Waver to serve a total prison sentence of 28 years to life. To memorialize these findings and sentence, the trial court filed three separate judgment entries. On January 14, 1998, the trial court filed two judgment entries announcing the jury's findings of guilt and the court's determination that Waver was a sexual predator. On February 6, 1998, the trial court issued a sentencing entry that did not restate the jury's findings of guilt, but stated that the court found Waver to be a sexually violent predator and that he acted with sexual motivation. Additionally, the court noted that Waver's "conviction for rape" justified a prison sentence — the entry, however, did not mention the felonious-assault offense. The court then sentenced Waver "pursuant to R.C. 2971.03 indef[inite] term of imprisonment as follows: Ct. 1 — 10 yrs, Ct. 2 — 10 yrs, Ct. 3 — 8 yrs, Lorain Correctional Institution, w[ith] maximum of life imprisonment." The court ordered that the sentences "be served consecutive to one another."

{¶ 3} Waver filed a direct appeal, claiming that (1) his convictions for rape and both sexually violent predator and sexual motivation specifications were not supported by sufficient evidence and were against the manifest weight of the evidence, (2) he was denied a fair trial because of prosecutorial misconduct, (3) the

State relied on improper Evid.R. 404(B) evidence, (4) he was deprived of the right of allocution, and (5) the trial court (a) failed to merge allied offenses, (b) did not comply with R.C. 2929.19 when imposing sentence, and (c) erred in imposing maximum, consecutive sentences. *State v. Waver*, 1999 Ohio App. LEXIS 3860 (8th Dist. Aug. 19, 1999) ("*Waver I*"). He did not raise any argument regarding Crim.R. 32 — that the judgment entry of conviction was unlawful or not a final, appealable order.

{¶ 4} The *Waver I* Court upheld the findings of guilt, including the trial court's determination that the rape offenses did not merge for sentencing, but found that the trial court denied Waver his right to allocution. *Id.* at *26. As such, the court found his remaining challenges regarding his sentence moot. Accordingly, the court reversed his sentence and remanded for a resentencing hearing. *Id.* at *26-27.

{¶ 5} On September 16, 1999, the trial court conducted a resentencing hearing. At the hearing, the trial court stated that a jury found Waver guilty "of rape as indicted in Counts 1 and 2, and guilty of felonious assault as indicted in Count 3." (Sept. 16, 1999, tr. 3.)[1] The court did not restate its findings regarding the sexually-violent predator or sexual-motivation specifications, nor did the court make any finding about Waver's designation as a sexual predator or his reporting

[1] Waver attached the 1999 resentencing transcript to his May 18, 2011 filing, "Defendant's courtesy copy of the 1998 original transcripts [sic] pages 5 and 6, and 1999 resentencing transcripts in support of omnibus motion." *See* docket No. 53.

requirements as a result. After Waver offered his allocution, the trial court announced its sentence — "Count 1 to a term of ten years, on Count 2 to a term of ten years[,] and on Count 3 to a term of 8 years at the Lorain Correctional Institution with a maximum of life imprisonment." (Tr. 6.) The court ordered those sentences to be served consecutively.

{¶ 6} The court's resentencing entry was dated September 16, 1999 ("1999 resentencing"). The entry did not include the pronouncements made in open court, but provided, "[Waver] resentenced to Lorain Correctional Institution for a term of 10 years on Counts 1 and 2 and 8 years on Count 3 with a maximum life imprisonment, sentence[s] to be served consecutive to each other." *See* docket No. 37.

{¶ 7} Waver did not appeal his 1999 resentencing.[2] Instead, on October 17, 1999, he petitioned this court pursuant to App.R. 26(B) to reopen *Waver I*, contending that his appellate counsel was ineffective because counsel (1) did not raise a speedy-trial-violation claim, (2) failed to submit a full record showing that Waver raised speedy trial in the trial court, and (3) did not argue that trial counsel was ineffective for not moving to dismiss based on a speedy-trial violation. *State v. Waver*, 2000 Ohio App. LEXIS 3921 (8th Dist. Aug. 28, 2000) ("*Waver II*"). This court denied his application.

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[2] We recognize that the trial court's 1999 resentencing judgment entry was not journalized until 2002, but even after it was journalized, Waver did not seek to appeal his resentencing.

{¶ 8} In 2004, this court dismissed Waver's petition for a writ of mandamus, or in the alternative, a writ of prohibition that sought to compel the trial judge to vacate Waver's original 1998 sentence and to prohibit the trial court from enforcing a void sentence. *State ex rel. Waver v. Gallagher*, 2004-Ohio-4355 (8th Dist.). He claimed that the sentence was void because he did not file a jury-trial waiver on the specifications that were tried to the bench. *Id.* Waver did not raise any challenge regarding Crim.R. 32.

{¶ 9} The Ohio Supreme Court affirmed this court's decision finding (1) the 1998 sentence was already vacated by the court of appeals through his direct appeal; and (2) even if it construed his claims as challenging his 1999 resentencing, his jury-trial-waiver claims were not cognizable in mandamus or prohibition; they could only be remedied in a direct appeal. *State ex rel. Waver v. Gallagher*, 2005-Ohio-780, ¶ 6-7.

{¶ 10} In 2004, Waver filed another petition for a writ of mandamus in this court, contending that his judgment of conviction was "void" pursuant to *State v. Smith*, 2004-Ohio-6238. In *Smith*, the Ohio Supreme Court held, "Conviction of a sexually violent offense cannot support the specification that the offender is a sexually violent predator as defined . . . if the conduct leading to the conviction and the sexually violent predator specification are charged in the same indictment." *Id.* at syllabus. Accordingly, the *Smith* Court concluded that "the trial court *erred* in relying on the jury's convictions of the underlying rape and kidnapping charges to

prove the sexually-violent-predator specification alleged in the same indictment." (Emphasis added.) *Id.* at ¶ 33.

{¶ 11} This court dismissed Waver's writ of mandamus, finding that the *Smith* Court's usage of the word "erred" meant that Smith's judgment of conviction was not "void." *State ex rel. Waver v. Gallagher*, 2006-Ohio-1743, ¶ 4-5 (8th Dist.) ("*Waver III*"). Accordingly, this court held that his remedy was an appeal, not mandamus relief. *Id.* Waver did not appeal this decision.

{¶ 12} In 2005, Waver filed a motion for a delayed appeal of *Waver I* in the Ohio Supreme Court; the Court denied the motion and dismissed the case. *See State v. Waver*, Ohio Supreme Court No. 2005-Ohio-0644.

{¶ 13} In December 2010, Waver, pro se, filed an "Omnibus Motion for Appropriate Relief/Motion for New Sentencing Hearing," (hereinafter "2010 omnibus motion") requesting the trial court to issue a series of orders granting him relief. *See* docket No. 53. He contended that his conviction was void because (1) the trial court's 1999 resentencing entry did not properly advise him of mandatory postrelease control, (2) the court erred when it found him to be a sexually violent predator, and (3) the court erred when it found him guilty of the sexual-motivation specification. Waver also requested the trial court to issue "an order to set forth a final, appealable order in compliance with Crim.R. 32(C) of the Ohio Rules of Criminal Procedure." Relying on Crim.R. 32 and the Ohio Supreme Court's decision in *State v. Baker*, 2008-Ohio-3330, Waver contended that the 1999 resentencing journal entry did not contain the means of conviction. He claimed

that his resentencing entry was therefore void, and thus, res judicata did not bar his argument.

{¶ 14} In response, the State conceded that the trial court did not properly advise Waver of postrelease control during the 1999 resentencing hearing but contended that the Ohio Supreme Court's sentence-correction mechanism in *State v. Singleton*, 2009-Ohio-6434, and *State v. Fischer*, 2010-Ohio-6238, allowed the trial court to conduct a limited hearing to correct only the flawed imposition of postrelease control. Regarding Waver's other challenges in his 2010 omnibus motion, the State argued that his motion was an untimely petition for postconviction relief, or alternatively, res judicata barred his arguments because those issues — lack of a final, appealable order, sexually violent predator finding, and the sexual motivation specification — could have been or were raised on direct appeal.

{¶ 15} Waver filed a reply, challenging the State's failure to acknowledge that the 1999 resentencing order did not comply with Crim.R. 32 and *Baker*, and thus was not a final, appealable order. He further maintained that he was not advised of his appeal rights at resentencing. According to Waver, res judicata did not bar his challenge to the 1999 resentencing order because he was unable to effectuate an appeal, i.e. the appeals court would have been without jurisdiction to consider the appeal. Waver therefore requested a complete de novo resentencing hearing, not just a limited hearing on postrelease control.

{¶ 16} On June 2, 2011, the trial court issued a journal entry ordering Waver to the court for a hearing to advise him that he was subject to mandatory postrelease control. This journal entry also denied the remainder of his requests in the 2010 omnibus motion, finding that the requests were either untimely or not well taken on the merits of the law and facts. On June 20, 2011, the trial court conducted a limited resentencing hearing and advised Waver regarding postrelease control.

{¶ 17} On July 6, 2011, Waver, with the assistance of counsel, appealed the trial court's decision regarding his 2010 omnibus motion. This court, however, dismissed the appeal as untimely. *State v. Waver*, No. 97000 (8th Dist. July 21, 2011) ("*Waver IV*"). He did not seek leave to file a delayed appeal, but moved for reconsideration, which this court also denied. Waver then filed a motion to reopen the appeal, but again, this court denied his application. *See State v. Waver*, 2011-Ohio-6480 (8th Dist.) ("*Waver V*") (denying his application for reopening because App.R. 26 could not be used to reopen an appeal regarding a denial of a postconviction motion).

{¶ 18} Waver appealed *Waver V* to the Ohio Supreme Court, contending that his counsel was ineffective for failing to file a timely notice of appeal and that App.R. 26 is not limited to direct appeals. *See State v. Waver*, Ohio Supreme Court No. 2012-0010. The Ohio Supreme Court dismissed the appeal "as not involving any substantial constitutional question." *Id.*

{¶ 19} Over the next 14 years, Waver filed multiple motions in the trial court, including a motion for jail-time credit and multiple applications for DNA testing. *See State v. Waver*, 2019-Ohio-1444 (8th Dist.) (affirming the trial court's denial of Waver's motion for relief from judgment); *State v. Waver*, 2020-Ohio-2724 (8th Dist.), *appeal not accepted*, *05/25/2021 Case Announcements*, 2021-Ohio-1721 (affirming the trial court's denial of Waver's application for DNA testing).

{¶ 20} In 2025, Waver, with the assistance of counsel, filed a motion for a final, appealable order, asserting that at the time of his conviction, the trial court never issued a final, appealable order because neither the 1998 judgment nor the 1999 resentencing entry complied with the requirements of Crim.R. 32 that were in effect at the time. Regarding the 1998 judgment, he claimed that the order did not contain the fact of conviction for the offenses, although the judgment provided that there were "convictions" for rape, and also that it was unclear from the judgment which count received the life tail.[3] Regarding the 1999 resentencing, Waver again argued that the judgment entry did not contain the fact of conviction for any count, did not mention the attendant specifications, and was unclear as to which count received the life tail. He maintained that by issuing a final order, Waver would have the opportunity to seek correction of an illegal sentence by

[3] The term "life tail" means an indefinite sentence with a maximum term of life in prison.

vacating the life tail imposed on the rape offenses, as mandated in *Smith*, 2004-Ohio-6238.

{¶ 21} The State responded that Waver's request was barred by res judicata because his arguments could have been raised on direct appeal, but that his argument was in fact raised, and rejected, in *Waver III* — 2004 writ of mandamus and then again in his 2010 omnibus motion. The State also noted that because Waver's case was closed, *Smith* did not apply retroactively pursuant to *State v. Stansell*, 2014-Ohio-1633 (8th Dist.).[4] Finally, the State maintained that any Crim.R. 32 violation could be corrected with a nunc pro tunc judgment order.

{¶ 22} Waver disagreed with the State's application of *Stansell*, finding that addressing the issue was premature and that it needed to be raised on appeal after a final, appealable order was issued. He further disagreed that a nunc pro tunc judgment entry could cure the jurisdictional defect, citing *State v. Yeaples*, 2009-Ohio-184 (3d Dist.). Waver did not advance any argument regarding the effect of res judicata.

{¶ 23} The trial court conducted a hearing on Waver's motion. During the hearing, the State admitted that the 1999 resentencing entry did not comply with Crim.R. 32, but maintained that the entry could be corrected by a nunc pro tunc

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[4] *See State v. Stansell*, 2021-Ohio-2036 (8th Dist.) (holding en banc that "where a defendant's sentence exceeds the statutory limitations, the sentence is voidable, but not void unless the sentencing court lacked subject-matter jurisdiction over the case or personal jurisdiction over the defendant"), *appeal dismissed as improvidently accepted*, 2022-Ohio—2064.

judgment entry because the trial judge made all necessary Crim.R. 32 findings during the 1999 resentencing hearing. Following the hearing, the trial court issued a written decision, denying Waver's motion. The court relied on *State v. Coffman*, 91 Ohio St.3d 125, 129 (2001), and held that the appellate court, by issuing a decision in *Waver I* — Waver's direct appeal— and again in *Waver II* — his application to reopen his direct appeal — implicitly determined that the judgments were final and appealable.

II. The Appeal

{¶ 24} Waver now appeals, contending in his sole assignment of error that the trial court erred when it denied Waver's request to enter a judgment of conviction that constituted a final, appealable order. He claims that the trial court never issued an order that complied with Crim.R. 32, and thus this court lacked jurisdiction over his prior appeals.

{¶ 25} The State asserts that the law-of-the-case doctrine and res judicata bar Waver's claims on appeal because (1) he filed a direct appeal from the 1998 judgment entry and did not raise any argument regarding Crim.R. 32 and (2) he failed to perfect an appeal of the trial court's denial of his 2010 omnibus motion that sought a final, appealable order under Crim.R. 32 and thus any challenge to the 1999 resentencing is barred.

{¶ 26} In response, Waver clarified that "the instant appeal addresses whether the [1998 judgment] was final and appealable and also discusses how the [1999 resentencing] did not cure the problem." (Appellant's Reply Brief, p. 6).

{¶ 27} An appellate court may only review final orders. R.C. 2505.02(B). Under Section 3(B)(2), Article IV, Ohio Constitution, courts of appeals have jurisdiction only to "affirm, modify, or reverse judgments or final orders of the courts of record inferior to the court of appeals within the district." As a result, "[i]t is well-established that an order must be final before it can be reviewed by an appellate court. If an order is not final, then an appellate court has no jurisdiction." *Gen. Acc. Ins. Co. v. Ins. Co. of N. Am.*, 44 Ohio St.3d 17, 20 (1989).

{¶ 28} In *State v. Lester*, 2011-Ohio-5204, ¶ 8, the Supreme Court of Ohio held that for a judgment of conviction to be a final, appealable order subject to appeal, it must comply with the requirements of Crim.R. 32. The purpose of Crim.R. 32 is to ensure that a defendant is on notice concerning when a final judgment has been entered and the time for filing an appeal has begun to run. *State v. Tripodo*, 50 Ohio St.2d 124, 127 (1977); App.R. 4(A).

{¶ 29} Waver contends that his 1998 judgment did not comply with Crim.R. 32 because (1) it did not contain the fact of conviction for the offenses, although he admitted that the judgment provided that there were "convictions" for rape, and (2) it was unclear from the judgment which count received the life tail.

{¶ 30} At the time of conviction in 1998, Crim.R. 32(B) provided that "[a] judgment of conviction shall set forth the plea, the verdict or findings and sentence. . . . The judgment shall be signed by the judge and entered by the clerk."[5] Reviewing

[5] When Crim.R. 32(B) was amended in 1999, it was renumbered to Crim.R. 32(C).

the three separate judgment entries issued by the trial court, we find that a final, appealable order existed in 1998. The trial court's two January 14, 1998 judgment entries accurately reflected the jury's findings of guilt on the counts of rape and felonious assault and the court's designation of Waver as a sexual predator. The trial court's subsequent February 6, 1998 judgment set forth the sentence imposed. Although *Baker* and *Lester* now require a judgment of conviction to be a "single document," that requirement did not exist in 1998. *See State ex rel. Henley v. Langer*, 2018-Ohio-5204 (addressing and rejecting a final, appealable order challenge when a trial court in 2004 issued four documents as its sentencing order); *State ex rel. Daniels v. Russo*, 2016-Ohio-8060, ¶ 7-8 (8th Dist.), *aff'd on other grounds*, 2018-Ohio-5194 (rejecting the argument that the one-document rule announced in *Baker* should apply retroactively and thus finding that res judicata applied because the 1989 original sentencing entry satisfied Crim.R. 32, as it existed at the time of sentencing). Accordingly, the 1998 judgment entries, taken as a whole, complied with Crim.R. 32(B), as it existed at that time. Because the 1998 judgment was a final, appealable order, this court had subject-matter jurisdiction over his direct appeal. Waver's argument to the contrary is rejected.

{¶ 31} Notwithstanding, even if the combined judgment entries did not create a final, appealable order, res judicata would bar Waver's argument. "'Under the doctrine of res judicata, a final judgment of conviction bars the convicted defendant from raising and litigating in any proceeding, except an appeal from that judgment, any defense or any claimed lack of due process that was raised or could

have been raised by the defendant at the trial which resulted in that judgment of conviction or on an appeal from that judgment.'" *State v. Perry*, 10 Ohio St.2d 175, 180 (1967).

{¶ 32} On this point, we find the Ohio Supreme Court's decision in *State v. Griffin*, 2013-Ohio-5481, instructive. In *Griffin*, the defendant was charged with aggravated murder and an accompanying felony-murder death-penalty specification. *Id.* at ¶ 6. The State agreed not to pursue the death penalty if the defendant waived her right to be tried by a jury or three-judge panel. In 1989, a single judge found Griffin guilty and sentenced her to life imprisonment, memorializing these findings in two separate judgment entries — guilt phase and sentencing. In 1990, Griffin appealed, challenging the trial court's sentencing entry that did not comply with the sentencing mandates for a death-penalty specification. The appeals court rejected her appeal, and the Ohio Supreme Court declined jurisdiction. *Id.* at ¶ 9-11.

{¶ 33} For 15 years, Griffin challenged her convictions, including her sentence, without success. Those challenges included federal habeas claims and an application to reopen her direct appeal. In 2009, Griffin requested the trial court to issue a final, appealable order pursuant to the Ohio Supreme Court's 2008 decision in *Baker*, holding that Crim.R. 32(C) required the judgment of conviction to be a "single document." The State agreed with Griffin, and the trial court issued a new judgment entry, imposing the same sentence it imposed in 1989.

{¶ 34} Griffin then appealed, contending that because her original 1990 judgment was not a final, appealable order, the appeals court lacked jurisdiction over her 1990 direct appeal. The Fifth District agreed, addressed her assignments of error, reversed her conviction, and ordered a new trial based on newly enacted law regarding when a capital specification is dismissed.

{¶ 35} The Ohio Supreme Court accepted the State's discretionary appeal, and noted that the "pivotal question" was "whether 24 years ago the trial court issued a final, appealable order." *Griffin*, 2013-Ohio-5481, at ¶ 22. Finding that Ohio's death-penalty statutory framework at the time of Griffin's 1989 conviction did not apply to her, the Court stated, "[T]he trial court afforded Griffin all the proper procedural protections guaranteed by law in 1990, and its sentencing entry was the final judgment of the case. Therefore . . . the sentencing entry issued in 1990 was a final, appealable order." *Id.* at ¶ 22, 47. The *Griffin* Court focused on "the law in place and the convictions based on it at the time of trial." *Id.* at ¶ 46.

{¶ 36} Significant and relevant to Waver's appeal, the *Griffin* Court stated:

> Even if in 1992 the court of appeals was wrong in assuming that a final, appealable order existed in 1990, its holding was subject to res judicata principles and therefore could have been challenged only on direct appeal. Consequently, Griffin is precluded from reopening her appeal by res judicata, "a rule of fundamental and substantial justice."

Id., quoting *State v. Simpkins*, 2008-Ohio-1197.

{¶ 37} The *Griffin* Court observed, "Both Griffin and defense counsel believed that the sentencing entry was a final, appealable order, because Griffin filed her direct appeal on February 1, 1990." *Id.* at ¶ 48-49. The Court stated that

in her 1990 direct appeal, Griffin "never challenged the lack of a Crim.R. 32(B) entry . . . and therefore, these claims are forever barred. . . . Res judicata precludes a litigant from using a resentencing entry issued pursuant to *Baker*[, 2008-Ohio-3330] to litigate an issue when that defendant has already litigated or could have litigated the issue on direct appeal." *Id.* at ¶ 49.

{¶ 38} Applying *Griffin*'s statements and holdings to Waver's appeal, we find that the trial court's 1998 judgment was a final, appealable order, properly vesting this court with subject-matter jurisdiction over Waver's direct appeal in 1998. Just as in *Griffin*, both Waver and his counsel believed the 1998 judgment entry was a final, appealable order because Waver timely filed his direct appeal in 1999. *See Tripodo*, 50 Ohio St.2d at 127 (finding that Crim.R. 32(C) ensures that a defendant is on notice concerning when a final judgment has been entered and the time for filing an appeal has begun to run). At no time until 2010 did Waver or any other court perceive the 1998 judgment to be anything but final. Accordingly, any challenge to the 1998 judgment would also be barred by res judicata because Waver did not challenge the lack of a Crim.R. 32(B) entry in his direct appeal. *See Griffin*, 2013-Ohio-5481, at ¶ 49.

{¶ 39} We recognize, however, that in *Waver I*, this court reversed Waver's sentence and remanded for a new sentencing hearing. The findings of guilt, however, remained unaffected, and when Waver did not timely appeal *Waver I* and the Ohio Supreme Court subsequently denied his 2005 application for a delayed appeal of *Waver I*, the findings of guilt became the law of the case. *See Nolan v.*

Nolan, 11 Ohio St.3d 1, 3 (1984) (stating that the law-of-the-case doctrine provides that the decision of a reviewing court in a case remains the law of that case on the legal questions involved for all subsequent proceedings in the case, both at the trial and reviewing levels).

{¶ 40} We further find that res judicata also bars any challenge Waver makes regarding whether the 1999 resentencing entry was a final, appealable order. By the time the resentencing hearing occurred in 1999 and the trial court's resentencing entry was journalized in 2002, Crim.R. 32 had been amended, and at that time, required that "[i]n the judgment of conviction, the court must set forth the fact of conviction and the sentence. . . . The judgment shall be signed by the judge and entered by the clerk."

{¶ 41} Although the trial court stated during the resentencing that Waver was found guilty of felonious assault and two counts of rape, the trial court did not memorialize the fact of conviction in its resentencing entry. On its face, the 1999 resentencing entry, alone, did not comply with Crim.R. 32(C) — a fact conceded by the State in the trial court. Nevertheless, as stated, Waver never attempted to appeal from his resentencing.

{¶ 42} Waver did not raise any concern about the 1999 resentencing entry until he filed his 2010 omnibus motion. Even after the trial court denied the motion requesting the court to issue a final, appealable order, Waver did not properly perfect an appeal of this issue. *See Waver IV* (dismissing his appeal as untimely); *Waver V* (denying his request to reopen his appeal to assert that counsel

was ineffective for failing to file a timely appeal; Ohio Supreme Court also declined review of the appeal). Accordingly, Waver's challenge to the 1999 judgment entry is also barred by res judicata.

III. Conclusion

{¶ 43} Ohio courts have consistently applied res judicata or the law-of-the-case doctrine to reject arguments made by defendants who have unsuccessfully requested that trial courts issue final, appealable orders long after pursuing state and federal appeals on other merit-based or procedural challenges. *See Griffin*, 2013-Ohio-5481; *State ex rel. Woods v. Dinkelacker*, 2017-Ohio-9124 (finding that even if an appellant could seek mandamus relief, res judicata barred him from raising his Crim.R. 32 claim because he unsuccessfully raised the same argument in an earlier proceeding challenging his sentence); *State v. Ramsey*, 2023-Ohio-2389, ¶ 16 (8th Dist.) (finding res judicata bars a Crim.R. 32 challenge because it was an issue that was "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"); *State v. Bridgewater*, 2023-Ohio-1211 (10th Dist.) (finding that the law of the case barred appellant from claiming that the original judgment entry of conviction and sentence was not a final, appealable order in the subsequent appeal); *State v. Bates*, 2019-Ohio-1172 (10th Dist.) (recognizing that even though the original sentencing entry did not comply with Crim.R. 32(C), the law-of-the-case doctrine precluded appellant from making that claim in a subsequent proceeding); *State v. Fowler*, 2015-Ohio-1053 (7th Dist.)

(holding any argument regarding compliance with Crim.R. 32 or appellate jurisdiction should have been raised on direct appeal or in the Ohio Supreme Court). *See also State ex rel. Henley v. Langer*, 2018-Ohio-5204 (Kennedy, [C.]J., concurring in judgment only), and *State ex rel. Daniels v. Russo*, 2018-Ohio-5194 (Kennedy, [C.]J., concurring in judgment only) (relying on *Dinkelacker* to find that res judicata barred petitioners from seeking relief after he unsuccessfully raised the same argument in a prior motion to correct his sentence that he did not appeal); *State ex rel. Newell v. Gaul*, 2013-Ohio-68 (finding res judicata barred Newell from raising a Crim.R. 32 argument that could have been raised in a prior action).

{¶ 44} Based on the foregoing, the trial court did not err in denying Waver's motion for a final, appealable order because res judicata precludes him from raising his claims that both the 1998 judgment and 1999 resentencing entry did not comply with Crim.R. 32. His assignment of error is overruled.

{¶ 45} 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.

KATHLEEN ANN KEOUGH, JUDGE

EMANUELLA D. GROVES, P.J., and
MARY J. BOYLE, J., CONCUR