[Cite as *State v. Ibn-Ford*, 2015-Ohio-753.]

STATE OF OHIO	)	IN THE COURT OF APPEALS
	)ss:	NINTH JUDICIAL DISTRICT
COUNTY OF SUMMIT	)	

STATE OF OHIO Appellee v. KHALID HAQQ IBN-FORD Appellant	C.A. No. 27380 APPEAL FROM JUDGMENT ENTERED IN THE COURT OF COMMON PLEAS COUNTY OF SUMMIT, OHIO CASE No. CR 11 06 1597

DECISION AND JOURNAL ENTRY

Dated: March 4, 2015

WHITMORE, Judge.

{¶1} Appellant, Khalid Haqq Ibn-Ford, appeals from the judgment of the Summit County Court of Common Pleas, denying his motion to vacate a portion of his sentence. This Court affirms.

I

{¶2} A jury found Ibn-Ford guilty of one count of rape, a first-degree felony, and four counts of domestic violence, two of which were third-degree felonies and two of which were first-degree misdemeanors. Thereafter, the trial court held a hearing to determine sentencing and a repeat violent offender specification. After the presentation of evidence, the court orally pronounced that it found Ibn-Ford "is a repeat violent offender." The court announced its sentence as follows: 1) eleven years for the rape "set forth in Count One"; 2) ten years "on the repeat violent offender specification to Count One"; 3) three years on each of the felony domestic violence counts; and 4) 180 days on each of the misdemeanor domestic violence

counts. The court further stated "that all the periods of confinement except for the specification to Count One run together * * * for a grand total of 21 years in prison."

{¶3} On March 14, 2012, the court journalized its judgment. That entry stated that the court "found [Ibn-Ford] to be a Repeat Offender." The entry further stated that "Count 1 shall be served consecutively with the Repeat Offender Specification. Counts 2, 3, 4, and 5 are to be served concurrently with each other, but consecutively with Count 1 and the Repeat Offender Specification for a total sentence of Twenty-Four (24) years." Thereafter, the trial court sua sponte amended its journal entry two times. The first amended journal entry, dated April 2, 2012, corrected the aggregate sentence to 21 years. The second amended journal entry, dated April 26, 2012, corrected the specification language from "Repeat Offender" to "Repeat Violent Offender."

{¶4} Ibn-Ford appealed his conviction to this Court and raised seven assignments of error. *State v. Ibn-Ford*, 9th Dist. Summit No. 26386, 2013-Ohio-2172, ¶ 7. We affirmed the trial court, except for the imposition of court costs. *Id.* at ¶ 75-78, 82. We subsequently denied his application to reopen his appeal. *State v. Ibn-Ford*, 9th Dist. Summit No. 26386 (Dec. 17, 2013).

{¶5} In April 2014, Ibn-Ford moved the trial court to "partially vacat[e] his void sentence" arguing that the 10 years imposed on the repeat violent offender specification was void. The trial court denied his motion. From this denial, Ibn-Ford now appeals raising one assignment of error for our review.

II

Assignment of Error

BECAUSE THE TRIAL COURT'S JUDGMENT ENTRY IN THIS CASE NEVER STATED THE FACT OF CONVICTION AS IT RELATES TO THE

> REPEAT VIOLENT OFFENDER SPECIFICATION, BUT INSTEAD SPECIFICALLY FOUND THE DEFENDANT TO BE A *REPEAT OFFENDER*, NOT A REPEAT VIOLENT OFFENDER, THE TRIAL COURT WAS WITHOUT AUTHORITY TO IMPOSE A SENTENCE ENHANCEMENT FOR REPEAT VIOLENT OFFENDER. (Emphasis sic.)

{¶6} In his sole assignment of error, Ibn-Ford argues that his sentence for the repeat violent offender specification is void and must be vacated. We disagree.

{¶7} Most sentencing challenges must be brought by a timely direct appeal. *See State v. Holdcroft*, 137 Ohio St.3d 526, 2013-Ohio-5014, ¶ 8. "Res judicata 'bars the assertion of claims against a valid, final judgment of conviction that have been raised or could have been raised on appeal.'" *State v. Marbury*, 9th Dist. Summit No. 26889, 2013-Ohio-5306, ¶ 5, quoting *State v. Ketterer*, 126 Ohio St.3d 448, 2010-Ohio-3831, ¶ 59. A void sentence, however, may be challenged at any time. *State v. Horton*, 9th Dist. Lorain No. 12CA010271, 2013-Ohio-848, ¶ 13. "A void sentence is one that a court imposes despite lacking subject-matter jurisdiction or the authority to act. Conversely, a voidable sentence is one that a court has jurisdiction to impose, but was imposed irregularly or erroneously." (Internal citation omitted.) *State v. Payne*, 114 Ohio St.3d 502, 2007-Ohio-4642, ¶ 27.

{¶8} "Although trial courts generally lack authority to reconsider their own valid final judgments in criminal cases, they retain continuing jurisdiction to correct clerical errors in judgments by nunc pro tunc entry to reflect what the court actually decided." *State v. Qualls*, 131 Ohio St.3d 499, 2012-Ohio-1111, ¶ 13, quoting *State ex rel. Womack v. Marsh*, 128 Ohio St.3d 303, 2011-Ohio-229, ¶ 13. "It is well settled that courts possess inherent authority to correct errors in judgment entries so that the record speaks the truth." *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, ¶ 18. Pursuant to Crim.R. 36, "[c]lerical mistakes in judgments, orders, or other parts of the record, and errors in the record arising from oversight or omission,

may be corrected by the court at any time." Where a sentencing hearing transcript makes clear what the trial court decided, the trial court has jurisdiction to correct typographical errors in a sentencing entry via a nunc pro tunc entry. *See State v. Neumann-Boles*, 9th Dist. Medina No. 12CA0069-M, 2013-Ohio-3968, ¶ 8-10.

{¶9} In the instant matter, the March 14, 2012 entry contained clerical errors such that it did not reflect what the court decided at the sentencing and specification hearing. At the sentencing and specification hearing, the trial court found that Ibn-Ford was a "repeat violent offender" and imposed sentence for the "repeat violent offender specification." Although the trial court inadvertently omitted the word "violent" from its initial sentencing entry, its subsequent nunc pro tunc entry correctly reflected what it actually decided at the hearing. As an aside, we also note that the court corrected the total prison term to 21 years, as had been announced at the sentencing hearing. The court acted within its authority in correcting the clerical errors in its March 14, 2012 journal entry.

{¶10} Ibn-Ford's sentence for the repeat violent offender specification is not void. Therefore, he could have raised any alleged errors regarding it in his first appeal. His attempt to now challenge the specification is barred by res judicata.

{¶11} Ibn-Ford's assignment of error is overruled.

III

{¶12} Ibn-Ford's assignment of error is overruled. The judgment of the Summit County Court of Common Pleas is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Summit, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

BETH WHITMORE
FOR THE COURT

HENSAL, P. J.
MOORE, J.
CONCUR.

APPEARANCES:

KHALID HAQQ IBN-FORD, pro se, Appellant.

SHERRI BEVAN WALSH, Prosecuting Attorney, and RICHARD S. KASAY, Assistant Prosecuting Attorney, for Appellee.