

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-09-1226

Appellee

Trial Court No. CR0200402741

v.

Tyrice Hill

DECISION AND JUDGMENT

Appellant

Decided: September 14, 2009

* * * * *

Tyrice Hill, pro se.

* * * * *

PER CURIAM.

{¶ 1} This case is before the court sua sponte. It has come to the court's attention that no appeal may be taken from the trial court's judgment that denied the motion of appellant, Tyrice Hill, to withdraw his guilty plea after his conviction had been affirmed on appeal.

{¶ 2} Hill was convicted of three counts of aggravated robbery in 2005. He appealed to this court where his convictions were upheld. *State v. Hill*, 6th Dist No. L-05-1080, 2006-Ohio-859. He has since filed four motions to withdraw his guilty plea in the trial court, all of which were denied by the common pleas court. The denial of his fourth motion to withdraw his guilty plea is the subject of this appeal.

{¶ 3} In *State ex rel. Special Prosecutors v. Judges, Court of Common Pleas* (1978), 55 Ohio St.2d 94, the court states:

{¶ 4} "Crim.R. 32.1 does not vest jurisdiction in the trial court to maintain and determine a motion to withdraw the guilty plea subsequent to an appeal and an affirmance by the appellate court."

{¶ 5} It follows that the trial court's ruling on Hill's motion to withdraw his guilty plea rendered after his conviction was affirmed on appeal is void. No appeal can be taken from a void judgment. *DWP Corp. v. Dixie Machine & Supply Co.* (May 8, 1992), 4th Dist. No. 466.

{¶ 6} Accordingly, this appeal is dismissed at appellant's costs.

APPEAL DISMISSED.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See, also, 6th Dist.Loc.App.R. 4.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, J.

JUDGE

Thomas J. Osowik, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.