

[Cite as *State v. Watkins*, 2017-Ohio-8322.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 105625

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

NATHANIEL WATKINS

DEFENDANT-APPELLANT

JUDGMENT:
AFFIRMED

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case Nos. CR-12-566748-A and CR-13-573873-A

BEFORE: Blackmon, J., McCormack, P.J., and Stewart, J.

RELEASED AND JOURNALIZED: October 26, 2017

FOR APPELLANT

Nathaniel Watkins, pro se
Inmate No. A643089
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ATTORNEYS FOR APPELLEE

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Cuyahoga County Prosecutor

By: Frank Romeo Zeleznikar
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PATRICIA ANN BLACKMON, J.:

{¶1} Nathaniel Watkins (“Watkins”) appeals pro se from the trial court’s reducing his prison term by 150 days and assigns the following error for our review:

I. The trial court erred when it abused its discretion when it denied the appellant’s motion for additional jail-time credit pursuant to *State v. Fugate* and *State v. Caccamo*.

{¶2} Having reviewed the record and pertinent law, we affirm. The apposite facts follow.

{¶3} On July 15, 2013, the trial court sentenced Watkins to an aggregate of ten years in prison for various felony convictions. The court also credited Watkins with 140 days of jail time. On February 15, 2017, Watkins filed a pro se motion for additional jail-time credit, arguing that he should receive credit for 584 days of jail-time. On March 3, 2017, the court issued the following journal entry: “Defendant to receive a total of 150 days jail-time credit.” It is from this order that Watkins appeals.

{¶4} Pursuant to R.C. 2967.191, a defendant’s prison term shall be reduced “by the total number of days that the prisoner was confined for any reason arising out of the offense for which the prisoner was convicted and sentenced * * *.”

{¶5} Watkins argues that he was confined from September 5, 2012, through September 10, 2012 (six days); and February 28, 2013, “until he was transferred to Lorain Correctional Institution to serve his ten (10) year aggregated concurrent sentence.”

Watkins fails to show when he was transferred or offer any evidence of jail-time credit computation; however, he concludes that he should receive 584 days of jail-time credit.

{¶6} The state, on the other hand, argues that the court correctly computed 150 days of jail-time credit as follows: September 5, 2012 through September 10, 2012 (six days); October 9, 2012 (one day); and February 28, 2013 through July 22, 2013 (145 days).

{¶7} “On appeal, the defendant bears the burden of showing that the trial court has erred in the jail-time credit calculation. ‘If the defendant fails to demonstrate error, and no miscalculation in the jail-time credit is apparent from the record, any claimed error is overruled.’” *State v. Hall*, 8th Dist. Cuyahoga No. 95216, 2011-Ohio-1804, ¶ 10, quoting *State v. Slager*, 10th Dist. Franklin Nos. 08AP-581-582 and 08AP-709-710, 2009-Ohio-1804, ¶ 25.

{¶8} Upon review, we find that Watkins failed to offer credible evidence that his jail-time credit was miscalculated. Accordingly, his assigned error is overruled and his sentence is affirmed.

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

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate be sent to the Cuyahoga County Court of Common Pleas to carry this judgment into execution. The defendant’s conviction having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.

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

PATRICIA ANN BLACKMON, JUDGE

TIM McCORMACK, P.J., and
MELODY J. STEWART, J., CONCUR