

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

State of Ohio

Court of Appeals No. L-14-1165

Appellee

Trial Court No. CR0199702581

v.

Ronald S. Allen, Jr.

DECISION AND JUDGMENT

Appellant

Decided: May 15, 2015

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and
Brenda J. Majdalani, Assistant Prosecuting Attorney, for appellee.

Ronald S. Allen, Jr., pro se.

* * * * *

OSOWIK, J.

{¶ 1} This is an accelerated pro se appeal from a judgment of the Lucas County Court of Common Pleas that denied appellant Ronald Allen, Jr.’s “Motion for Plain Error.” For the following reasons, the judgment of the trial court is affirmed.

{¶ 2} Appellant was convicted of one count of murder in violation of R.C. 2903.02 on September 10, 1997, and sentenced to a term of 15 years to life imprisonment. The

conviction was affirmed on appeal on March 19, 1999. *State v. Allen*, 6th Dist. Lucas No. L-97-1444, 1999 WL 146259 (Mar. 19, 1999). In 1998, appellant filed a post-conviction petition which was decided on October 16, 1998. That entry was appealed to this court and affirmed on July 30, 1999. On November 28, 2012, this court denied a motion for reconsideration in which appellant claimed that his counsel was ineffective, emphasizing that on direct appeal appellant had argued the same or similar issues.

{¶ 3} On February 6, 2013, this court denied appellant’s motion to reopen his appeal based on an ineffective assistance of counsel argument.

{¶ 4} On August 29, 2013, in response to pending motions filed by appellant, the trial court found that “this case is sixteen (16) years old and has been repeatedly appealed to the Court of Appeals and the Court of Appeals has previously ruled or could have ruled upon the presently raised issues and, therefore, the present issues are barred from being raised based upon the legal doctrine of res judicata. *State v. Ishmail*, 67 Ohio St.2d 16, 423 N.E.2d 1068 (1981).”

{¶ 5} On May 7, 2014, appellant filed a “Motion for Criminal Rule 52 B Plain Error,” which the trial court denied on July 3, 2014. This appeal followed.

{¶ 6} Appellant sets forth the following assignments of error:

Assignment of Error No. 1:

Appellant was deprived of the Effective Assistance of Trial Counsel.

Assignment of Error No. 2:

Illegal sentence as a matter of law, which is void and unlawful.

{¶ 7} In support of his first assignment of error, appellant appears to assert that trial counsel failed to file a timely discovery motion. Appellant admits, however, that he raised that claimed error in his first appeal. Appellant asserts that he wrote trial counsel two letters asking him to request discovery. In support of his second assignment of error, appellant argues that the trial court improperly imposed sentence.

{¶ 8} We have reviewed the record of appellant's case and the motions he has filed since his conviction, as well as his various appeals. We find that the issues of trial counsel's effectiveness and appellant's sentence have been raised in the trial court and in this court in previous appeals. Therefore, appellant's most recent motion was properly denied by the trial court on the basis of res judicata. *See Ishmail, supra*. Accordingly, appellant's first and second assignments of error are not well-taken.

{¶ 9} On consideration whereof, the judgment of the Lucas County Court of Common Pleas is affirmed. Costs of this appeal are assessed to appellant.

Judgment affirmed.

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

Thomas J. Osowik, J.

JUDGE

Stephen A. Yarbrough, P. 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>.