

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
	:	
Plaintiff-Appellee,	:	
	:	
v.	:	No. 10AP-304
	:	(C.P.C. No. 03CR-6476)
Richard L. Martin,	:	
	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

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D E C I S I O N

Rendered on October 14, 2010

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*Ron O'Brien*, Prosecuting Attorney, and *Steven L. Taylor*, for appellee.

Richard L. Martin, pro se.

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APPEAL from the Franklin County Court of Common Pleas

TYACK, P.J.

{¶1} Richard L. Martin pled guilty to four felony charges in 2004 and received a sentence of a total of 12 years of incarceration. He has filed a number of motions and petitions for post-conviction relief ("PCR") since then trying to alter the facts of his conviction and the sentences imposed. Each motion and petition has met with no success, in part, because they were not filed within the time allowed by Ohio law.

{¶2} The most recent motion was a motion seeking to "void judgment" under Civ.R. 60(B). After the trial court overruled the motion, he pursued the current appeal.

{¶3} Martin's appeal does not literally set forth an assignment of error. However, he clearly is trying to overturn the trial court's ruling on his Civ.R. 60(B) motion.

{¶4} Martin's appeal has no merit for several reasons. First, the motion was not filed in time. Second, a motion under Civ.R. 60(B) cannot be used as a substitute for a petition for PCR. Third, any issues he wished to raise needed to be raised in his prior court petitions and motions deemed petitions for PCR.

{¶5} The assigned error, to the extent it exists, is overruled. The judgment of the Franklin County Court of Common Pleas is affirmed.

*Judgment affirmed.*

KLATT and SADLER, JJ., concur.

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