

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-080812
	:	TRIAL NOS. B-8000741
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
LARRY RAYMER,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Larry Raymer appeals the trial court's judgment that denied his motions for expungement and relief from judgment. We conclude that his sole assignment of error has no merit, so we affirm the judgment of the trial court.

In 1980, Raymer pleaded guilty to breaking and entering and was sentenced to six months' incarceration. In 2002, he filed pro se motions seeking relief from the judgment against him under Civ.R. 60, expungement, and a declaration that Ohio's sentencing scheme is unconstitutional. The trial court denied the motions.

In his sole assignment of error, Raymer now asserts that the trial court erred when it denied his motions. We disagree.

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

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It appears that Raymer sought relief from judgment under Civ.R. 60(B)(5). We conclude that he did not seek relief within a reasonable time.² And even if the relief had been sought in a timely manner, the trial court did not abuse its discretion in denying the motion.³ Raymer claims that he did not commit the offense. But he does not challenge the validity of the guilty plea that he entered in 1980. His motion to expunge his record was also properly denied. Raymer did not qualify for expungement, as he was not a first-time offender.⁴ Finally, Raymer's challenge to his six-month sentence that was imposed over 28 years ago is moot.

The judgment of the trial court is therefore affirmed.

Further, a certified copy of this Judgment Entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., SUNDERMANN and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on March 18, 2009

per order of the Court _____.
Presiding Judge

² Civ.R. 60(B).

³ See *State v. Campbell*, 1st Dist. No. C-060981, 2007-Ohio-5742, at ¶17.

⁴ R.C. 2953.32(A)(1).