

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

STATE OF OHIO,	:	APPEAL NOS. C-160820
		C-160797
Respondent-Appellee,	:	TRIAL NOS. B-1501523
		B-1404265
vs.	:	
ALEX PENLAND,	:	<i>JUDGMENT ENTRY.</i>
Petitioner-Appellant.	:	

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Petitioner-appellant Alex Penland presents on appeal two assignments of error that, read together, challenge the Hamilton County Common Pleas Court’s “Entr[ies] Overruling Motion[s] for Postconviction Relief.” We affirm the court’s judgments.

Penland was convicted in 2015 of murder, having weapons while under a disability, and drug trafficking, following a jury trial of the charges contained in the consolidated indictments in the cases numbered B-1501523 and B-1404265. We affirmed his convictions on direct appeal. *State v. Penland*, 1st Dist. Hamilton Nos. C-150414 and C-150413 (May 6, 2016).

On September 26, 2016, the common pleas court entered in each case an “Entry Overruling Motion for Postconviction Relief,” upon its finding that “the motion [was] not well taken.” The court did not note in either entry the filing date of the motion that the entry purported to overrule. Penland, in his appellate brief, asserts that he filed “a

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Motion For Post-Conviction [Relief] on or about September 23<sup>rd</sup>, 2016.” But the record does not reflect the filing in either case of a motion seeking postconviction relief. Therefore, the record cannot be said to manifest the errors of which Penland now complains.

Accordingly, we overrule the assignments of error and affirm the judgments of the common pleas court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**MYERS, P.J., MILLER and DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on March 7, 2018  
per order of the court \_\_\_\_\_.

Presiding Judge