

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

STATE OF OHIO,	:	APPEAL NO. C-160834
Respondent-Appellee,	:	TRIAL NO. B-1002161
vs.	:	<i>JUDGMENT ENTRY.</i>
QURAN RICHARDSON,	:	
Petitioner-Appellant.	:	

We consider this appeal 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 Quran Richardson appeals the Hamilton County Common Pleas Court’s judgment denying his petition under R.C. 2953.21 et seq. for postconviction relief. We affirm the court’s judgment.

Richardson was convicted in 2011 of murder, aggravated robbery, and felonious assault. He unsuccessfully challenged his convictions in his direct appeal to this court, *State v. Richardson*, 1st Dist. Hamilton No. C-110273 (May 4, 2012), and in a postconviction petition filed with the common pleas court in 2015. In this appeal from the denial of his 2015 petition, he advances four assignments of error.

We address together and overrule the third and fourth assignments, challenging the denial of his postconviction petition. Richardson filed his petition well after the time prescribed by R.C. 2953.21(A)(2) had expired. And he failed to satisfy the jurisdictional requirements for a late postconviction petition, when the record before the common pleas court in ruling upon the petition did not include the trial exhibits and thus could not be said to demonstrate that, but for the alleged constitutional deprivations, “no reasonable factfinder would have found [Richardson] guilty of the offense[s] of which [he] was convicted.” *See* R.C. 2953.23(A)(1).

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We also overrule the challenges presented in the first and second assignments of error to this court's jurisdiction to entertain this appeal in the absence of Civ.R. 54(B) certification and findings of fact and conclusions of law. The common pleas court's entry denying Richardson's postconviction petition was final and appealable under R.C. 2953.23(B). And the court was not required to make and file findings of fact and conclusions of law, when the petition had not been timely filed and was subject to dismissal for lack of jurisdiction. *See* R.C. 2953.21(D); *State ex rel. Kimbrough v. Greene*, 98 Ohio St.3d 116, 2002-Ohio-7042, 781 N.E.2d 155, ¶ 6.

Finally, Richardson's convictions were not subject to correction under the jurisdiction to correct a void judgment, *see State ex rel. Cruzado v. Zaleski*, 111 Ohio St.3d 353, 2006-Ohio-5795, 856 N.E.2d 263, ¶ 18-19, because the alleged due-process violations, even if demonstrated, would not have rendered his convictions void. *See State v. Wurzelbacher*, 1st Dist. Hamilton No. C-130011, 2013-Ohio-4009, ¶ 8; *State v. Grant*, 1st Dist. Hamilton No. C-120695, 2013-Ohio-3421, ¶ 9-16 (holding that a judgment of conviction is void only to the extent that a sentence is unauthorized by statute or does not include a statutorily mandated term or if the trial court lacks subject-matter jurisdiction or the authority to act).

Because the common pleas court had no jurisdiction to entertain Richardson's postconviction claims, his petition was subject to dismissal. *See* R.C. 2953.21(D) and 2953.23(A). Accordingly, upon the authority of App.R. 12(A)(1)(a), we modify the judgment appealed from to reflect a dismissal of the petition. And we affirm the judgment as modified.

A certified copy of this judgment entry constitutes 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 2, 2018
per order of the court _____.

Presiding Judge