

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

STATE OF OHIO,	:	APPEAL NO. C-170054
Respondent-Appellee,	:	TRIAL NO. B-0505888-A
vs.	:	<i>JUDGMENT ENTRY.</i>
PIERRE SHAW,	:	
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 Pierre Shaw appeals from the Hamilton County Common Pleas Court's judgment dismissing his petition under R.C. 2953.21 et seq. for postconviction relief. We affirm the court's judgment.

Shaw was convicted in 2005 upon his guilty plea to robbery. He took no direct appeal, but in 2016 filed with the common pleas court a postconviction petition seeking relief from that conviction on the ground that he had been denied his constitutional right to counsel when he was permitted to represent himself in the proceedings leading to the conviction. In this appeal, he advances a single assignment of error challenging the common pleas court's dismissal of his postconviction petition without an evidentiary hearing.

The postconviction statutes did not confer upon the common pleas court jurisdiction to entertain Shaw's postconviction claim. He 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 entertaining a late postconviction claim, when he failed

to demonstrate that, but for the claimed deprivation of his right to counsel, “no reasonable factfinder would have found [him] guilty of the offense of which [he] was convicted.” *See* R.C. 2953.23(A)(1)(b).

Nor was Shaw’s conviction 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. The alleged constitutional deprivation, even if demonstrated, would not have rendered his conviction 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 Shaw’s postconviction claim, his petition was subject to dismissal without a hearing. *See* R.C. 2953.21(D) and 2953.23(A). Accordingly, we overrule the assignment of error and affirm the court’s judgment dismissing the petition.

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.

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

To the clerk:

Enter upon the journal of the court on April 4, 2018  
per order of the court\_\_\_\_\_.

Presiding Judge