

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

STATE OF OHIO,	:	APPEAL NO. C-170070
Plaintiff-Appellee,	:	TRIAL NO. B-0303967-A
vs.	:	<i>JUDGMENT ENTRY.</i>
DONTE L. HOBBS,	:	
Defendant-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.

Defendant-appellant Donte L. Hobbs appeals from the Hamilton County Common Pleas Court’s judgment overruling his “Motion for Resentencing Pursuant to R.C. 2967.28.” We dismiss this appeal for lack of jurisdiction.

Hobbs was convicted in 2003 on seven counts of aggravated robbery. We affirmed his convictions in his direct appeal and in his appeal from the judgment of conviction entered following his 2007 resentencing under *State v. Foster*, 190 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470. *See State v. Hobbs*, 1st Dist. Hamilton No. C-030915 (Oct. 12, 2005); *State v. Hobbs*, 1st Dist. Hamilton No. C-070657 (May 21, 2008).

In 2016, Hobbs filed with the common pleas court his “Motion for Resentencing Pursuant to R.C. 2967.28.” He argued in his motion that the sentences for his aggravated robberies were void because they had not been imposed in conformity with the statutes governing postrelease control.

In this appeal from the overruling of his 2016 motion, Hobbs does not present either an assignment of error or an argument that might fairly be read to challenge the

common pleas court’s judgment overruling the motion. He instead presents a single assignment of error contending that the trial court erred in sentencing him for each aggravated robbery after the court had “found” that those offenses were allied offenses of similar import subject to merger under R.C. 2941.25. We have no jurisdiction to entertain that challenge.

This court has jurisdiction to review only the judgment from which Hobbs here appeals. In that judgment, the common pleas court overruled Hobbs’s “Motion for Resentencing Pursuant to R.C. 2967.28,” challenging the adequacy of the postrelease-control notification provided at his sentencing hearings; the court did not rule upon, because Hobbs had not asserted in his motion, the allied-offenses challenge advanced in the sole assignment of error presented in this appeal. We, therefore, have no jurisdiction to entertain that assignment of error. *See State v. Gipson*, 1st Dist. Hamilton Nos. C-960867 and C-960881, 1997 WL 598397 (Sept. 26, 1997).

Courts always have 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. And sentences imposed for multiple offenses are void if the trial court found during sentencing that R.C. 2941.25 mandated merger. *State v. Williams*, 148 Ohio St.3d 403, 2016-Ohio-7658, 71 N.E.3d 234, ¶ 26. But the sentences imposed for Hobbs’s aggravated robberies are not void, because the trial court did not, either in sentencing him in 2003 or in resentencing him in 2007, find that R.C. 2941.25 mandated merger.

We have no jurisdiction to entertain the challenge advanced in the sole assignment of error presented in this appeal. We, therefore, dismiss the appeal.

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.

MOCK, P.J., ZAYAS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on July 25, 2018

per order of the court _____.

Presiding Judge