

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

STATE OF OHIO,	:	APPEAL NO. C-180202
	:	TRIAL NO. B-0405710
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
MALLON ROBERTS,	:	
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 Mallon Roberts was convicted of murder in 2005. He unsuccessfully challenged his conviction on direct appeal, *State v. Roberts*, 1st Dist. Hamilton No. C-050279, 2007-Ohio-856, *appeal not accepted*, 115 Ohio St.3d 1424, 2007-Ohio-5056, 874 N.E.2d 539. In 2015, he filed a “Motion to Correct Judgment Entry Pursuant to Criminal Rule 36,” which the trial court denied. This court affirmed the decision as modified, remanding the matter to allow the trial court to correct the sentence in which it had improperly imposed a period of postrelease control. *State v. Roberts*, 1st Dist. Hamilton No. C-150528, 2017-Ohio-1060. This court instructed the trial court to correct “the offending portion of his sentence, in accordance with the law and this opinion.”

On remand, the trial court issued an “Entry Vacating Term of Postrelease Control.” That entry, in its entirety, stated that

This matter comes before the court on remand from the First District Court of Appeals. Pursuant to that court’s mandate in Case No. C-150528, the term of postrelease control that was imposed in this matter is hereby vacated as being void and improperly imposed.

Because Roberts was convicted of murder, a special felony with an indefinite sentence, he will be placed upon parole if he is ever released from prison.

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This order effects nothing other than the void postrelease-control portion of Roberts’s sentence. No other aspect of his sentence is affected by this order.

In one assignment of error, Roberts claims that the trial court erred when it changed the terms of his sentence without him bring present. We do not reach that issue.

“A judgment of conviction is a final order subject to appeal under R.C. 2505.02 when it sets forth (1) the fact of the conviction, (2) the sentence, (3) the judge’s signature, and (4) the time stamp indicating entry upon the journal by the clerk.” (Citations omitted.) *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142, paragraph one of the syllabus. All of these requirements must be contained in a single document. *State v. Sims*, 2017-Ohio-8379, 99 N.E.3d 1056, ¶ 6 (1st Dist.), citing *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163, ¶ 17.

The trial court’s entry purporting to vacate Roberts’s postrelease control is not final and appealable, because it does not meet the requirement that the judgment of conviction must be a single document that includes the fact of conviction, the sentence, the judge’s signature, and the time stamp. Therefore, the appeal is dismissed.

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 MYERS, JJ.

To the clerk:

Enter upon the journal of the court on November 16, 2018
per order of the court _____.
Presiding Judge