

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

STATE OF OHIO,	:	APPEAL NO. C-170520
Plaintiff-Appellee,	:	TRIAL NO. B-1507129A
vs.	:	<i>JUDGMENT ENTRY.</i>
ANGEL PEREZ,	:	
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 Angel Perez presents on appeal a single assignment of error challenging the Hamilton County Common Pleas Court’s “Entry Denying Motion to Amend Judgment Nunc Pro Tunc.” We affirm the court’s judgment.

In 2016, Perez was convicted upon his guilty plea to drug trafficking. He did not appeal his conviction. And he unsuccessfully challenged his conviction in postconviction motions filed in 2016 and 2017.

On July 11, 2017, the common pleas court placed of record an entry captioned “Entry Denying Motion to Amend Judgment Nunc Pro Tunc.” In that entry, the court did not note the filing date of the motion that the entry purported to overrule. But Perez specified in his notice of appeal that this appeal is from the July 11, 2017 entry overruling his “June 26th, 2017 * * * Motion to Amend Judgment Entry of Sentence to remove a provision that disapproved his participation in the transitional control program.” He

also states in his appellate brief that on June 26, 2017, he filed with the common pleas court “a ‘Motion to Amend Sentence Nun[c] Pro Tunc’ * * * offering the court the opportunity to correct the illegal [portion of his] sentence * * * disapprov[ing] transitional control.” He assigns as error the disapproval of transitional control in the judgment of conviction. And he seeks relief on appeal in the form of a “remand * * * * for the limited purpose of amending the judgment [of conviction] to delete the disapproving language regarding transitional control.”

The record in this appeal reflects only the filing on June 26, 2017, of a “Motion for Judicial Release.” It does not reflect the filing of a “Motion to Amend Judgment Entry of Sentence,” a “Motion to Amend Sentence Nun[c] Pro Tunc,” or any motion challenging the disapproval of transitional control, either on June 26, 2017, as Perez repeatedly asserts, or at any time before the July 11, 2017 entry purporting to overrule such a motion. In the absence from the record on appeal of any filing that might fairly be read to constitute such a motion, the record cannot be said to manifest the error of which Perez now complains.

We, therefore, overrule the assignment of error and affirm the judgment 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.

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

To the clerk:

Enter upon the journal of the court on March 27, 2019,
per order of the court_____.

Presiding Judge