

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

STATE OF OHIO,	:	APPEAL NO. C-180524
Plaintiff-Appellee,	:	TRIAL NO. B-1304393
vs.	:	<i>JUDGMENT ENTRY.</i>
DANIEL LITTLEPAGE,	:	
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 Daniel Littlepage appeals the Hamilton County Common Pleas Court's judgment overruling his Crim.R. 32.1 motion to withdraw his 2014 guilty plea to aggravated murder. We dismiss the appeal for lack of jurisdiction.

Littlepage unsuccessfully challenged his aggravated-murder conviction on direct appeal and in postconviction motions filed between 2014 and 2017. *See State v. Littlepage*, 1st Dist. Hamilton No. C-140760 (Dec. 4, 2015); *State v. Littlepage*, 1st Dist. Hamilton No. C-140574 (Aug. 26, 2015); *State v. Littlepage*, 1st Dist. Hamilton No. C-160918, 2018-Ohio-1382; *State v. Littlepage*, 1st Dist. Hamilton Nos. C-170207 and C-170157, 2018-Ohio-2959. In this appeal, he presents two assignments of error challenging the overruling of his 2018 Crim.R. 32.1 motion to withdraw his guilty plea. We address together, and overrule, those assignments of error.

The common pleas court had no jurisdiction to entertain Littlepage's Crim.R. 32.1 motion after we had, on direct appeal, affirmed his convictions based upon those pleas,

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see State ex rel. Special Prosecutors v. Judges, 55 Ohio St.2d 94, 97-98, 378 N.E.2d 162 (1978), when the issues presented by his motion did not depend for their resolution upon evidence outside the record of the proceedings leading to his conviction and thus could have been raised in his direct appeal. *See State v. West*, 1st Dist. Hamilton No. C-150587, 2017-Ohio-5596, ¶ 20.

Because the common pleas court had no jurisdiction to entertain Littlepage's Crim.R. 32.1 motion, the motion was subject to dismissal. Accordingly, we modify the judgment appealed from to reflect the dismissal of the motion. *See App.R. 12(A)(1)(a)*. And we affirm the judgment as modified.

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.

MYERS, P.J., BERGERON and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on October 4, 2019,
per order of the court_____.

Presiding Judge