

IN THE SUPREME COURT OF OHIO

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STATE OF OHIO
Plaintiff-Appellee

-vs-

WILLIAM A. MAAG, Pro'se
Defendant-Appellant

On Appeal from the Hancock
County Court of Appeals
Third Appellate District

Court of Appeals Case No.
5-2008-35

09-0187

MEMORANDUM IN SUPPORT OF JURISDICTION
OF APPELLANT WILLIAM A. MAAG

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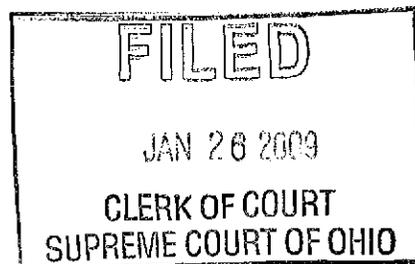


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**EXPLANATION OF WHY THIS CASE
IS A CASE OF PUBLIC OR GREAT GENERAL INTEREST
AND INVOLVES A SUBSTANTIAL CONSTITUTIONAL QUESTION**

Appellant asserts that this case presents a grave Constitutional question regarding 'ALL' Defendant-Appellant's Constitutional rights to be sentenced to a truthful descriptive sentence that leaves no question(s) as to what their actual complete sentence consists of.

Should a Sentencing Judge be permitted to sentence offenders without specifically specifying the full and complete descriptive sentence that is imposed?

This Honorable Court has held in State v Jordan, 104 Ohio St.3d. 21, 817 N.E.2d 854, that '**Every Sentence**' of imprisonment for a felony contain a term of P.R.C.

If the hypothetical situation (see pg. 2), did occur, would Defendant-Appellant's sentence still contain a term of P.R.C.?

Due to Defendant-Appellant being a layman at law, Defendant-Appellant addressed everything he found wrong with his sentence/Sentencing Entry under one Proposition of Law (assignment of error). Please see State's filing of Sept. 17, 2008, Id. at pages 4,6 and 8.

The State prosecutor addressed all three aspects of the issue. Whereas, the Third Appellate District Court has not! Wherefore, would the general public consider it justifiable when Defendant-Appellant's complete issue was not addressed? Further, does this not raise a substantial constitutional question?

If the fact that Appellant's claims are not being addressed in full does not strike the general public's interest, than this Appellant pleads with this Honorable Court to assure that all rights are being afforded to all Defendant-Appellant's, so that the general public could rest at ease knowing that everyone in our justice system is being given all their Constitutional rights at every stage of the proceeding available to those that could afford competent counsel to represent them. A proper notification is required in this case, one that defines which sentence the P.R.C. sanctions belong to which first degree felony.

In Jordan, Supra; The Ohio Supreme Court further held:

"[p]ursuant to R.C. § 2929.19 (B)(5), a trial Court sentencing an offender to a community control sanction is **required** (emphasis added) to deliver the statutorily **DETAILED** notifications at the sentencing hearing."

Id. at paragraph one of the syllabus of the Court.

Defendant-Appellant avers that since it cannot be determined which first degree felony the P.R.C. is applied too, this sentence should be deemed as void, State v Beasley, (1984) 14 Ohio St.3d. 74, 471 N.E.2d. 774.

This issue now comes before this Honorable Court undisputed. The State has acknowledged and agreed that Defendant-Appellant was in fact sentenced to five (5) years of P.R.C. for the first degree felonies. Wherefore, it is clearly and convincingly upon the record that Defendant-Appellant's sentence is ' NOT ' a detailed sentence for it lacks a clear cut determination as to which first degree felony the P.R.C. is applicable too.

Hypothetically, if at anytime while Defendant-Appellant is serving his (voided) sentence, one of the first degree felonies becomes void and/or is dismissed for one of the many reason(s) that may arise, does or should the P.R.C. sanction automatically be applied to the other first degree felony? Or was it dismissed also?

Is the Judgment Entry of sentence final now, or would it then later become final if this hypothetical situation was to occur. At that time, and only at that time could it actually be deemed that Defendant-Appellant's Judgment Entry of sentence is complete and detailed.

Defendant-Appellant avers that this Honorable Court is respectfully asked to determine if Trial/Sentencing Judge's are affording Defendant-Appellant's their Constitutional rights at the present time by the manner in which the Judgment Entries are set forth.

Yes, this may need to be looked at in a hypothetical point of view, but no man or woman deserves to be sentenced to a sentence that is not plain on its face.

For this reason(s), the general public has a great interest in those rights.

STATEMENT OF THE CASE :

The issue facing this Court is: (1). Is William A. Maag's (hereinafter, Defendant-Appellant), total sentence of (23) twenty-three years in prison, a voidable judgment or just plainly a void sentence.

In February, 2001, the Hancock County Grand Jury returned a four-count indictment against Defendant-Appellant. Count One; charged: Engaging in a Pattern of Corrupt Activity, which is a violation of O.R.C. § 2923.32 (A)(1), and a felony of the **second degree**. Count Two; charged: Trafficking in Marijuana, a violation of O.R.C. § 2925.03 (A) and § 2925.03 (C)(3)(c), a felony of the **fourth degree**. Count Three; charged : Possession of Cocaine, which included a Major Drug Offender Specification and being a violation of O.R.C. § 2925.11(A), § 2925.11 (C)(4)(f), and § 2941.1410, and is a felony of the **first degree**. Count Four; charged: Aggravated Burglary, a violation of O.R.C. §2911.11(A)(1), a felony of the **first degree**.

A jury trial commenced in October, 2001. After the jury returned a verdict of guilty on all counts, the Trial Court sentenced (November, 8th, 2001), Defendant-Appellant to a prison term totaling (23) twenty-three years.

Within this sentence, the Trial/Sentencing Judge informed Defendant-Appellant about (5) five years post-release control as to the first degree felonies, not particularly specifying which first degree felony (as Defendant-Appellant was convicted and sentenced on (2) two different first degree felonies), the post-release control sanctions were applied too.

In the Court's Judgment Entry (of sentencing), it also; is not specified which first degree felony the post-release control sanctions are incorporated/ applied too. Thereby, making Defendant-Appellant's Entry (Sentence), as interlocutory. Due to such, res judicata is not applicable to the case at bar, as what the 3rd District Court would like this Court to believe.

STATEMENT OF THE FACTS:

The following is an actual summary of how Defendant-Appellant was sentenced:

(5) five years in prison as to Count One (Sentencing Hearing, Transcript pages 25-26), with no mentioning of Post-Release Control (hereinafter P.R.C.), for the Judge clearly states: ' We move on to Count 2, then. ' *Id.* at pg. 26,

(17) seventeen months in prison as to Count Two (Sentencing Hearing, Transcript pages 26-28), again; with no mentioning of P.R.C. because the Judge says: ' Court then moves on to Count Three... ' *Id.* at page 28,

(10) ten years in prison as to Count Three (Sentencing Hearing, Transcript pg. 29), once again; no mentioning as to P.R.C., as the Judge is quoted:

' And I have some additional comments when I get to the aggravated burglary charge, which is where I'm headed next. ' ' As I've indicated, count four ... ' *Id.* pg. 29,

(8) eight years in prison as to Count Four (Sentencing Hearing, Transcript pages 29-31), once again, clearly no mentioning of P.R.C. .

The Court then went on to further elaborate on all four charges and the sentences imposed for each (Sentencing Hearing, Transcript page 32). At this point, these specific findings still contained no mentioning of P.R.C. , *Id.* at pgs. 22 - 32.

The "only" time the Sentencing Judge mentions the terminology P.R.C. is found within the Sentencing transcripts at page 33, Defendant-Appellant respectfully quotes word for word what was actually said:

' Now I have to advise you as to post-release control in this particular case. For the felonies of the first degree (Emphasis added), it's a required term of 5 years of post-release control sanctions. '

Id. at Sentencing Transcripts, page 33, paragraph One.

Due to the lack of being specific concerning the P.R.C. sanctions, along with not complying with **Crim.R. 32(C)**, this case at bar should be remanded back to the sentencing/trial court.

Proposition of Law No. I:

THE TRIAL COURT JUDGE ERRED WHEN IT DENIED DEFENDANT-APPELLANT'S MOTION FOR RE-SENTENCING, FOR THE SENTENCE DOES NOT CONTAIN A PROPERLY IMPOSED STATUTORILY REQUIRED TERM OF POST-RELEASE CONTROL, THEREBY; MAKING THE COURT'S JUDGMENT INVALID, IRREGULAR, ERRONEOUS-VOID and/or VOIDABLE. FURTHER, THE THIRD DISTRICT COURT OF APPEALS ERRED IN IT'S ERRONEOUS DECISION MAKING PROCESS WHEN IT DENIED DEFENDANT-APPELLANT'S BRIEF BEFORE THEM.

In 1984, This Honorable Court held that a sentence that does not contain a statutorily mandated term is a void sentence, State v Beasley, (1984), 14 Ohio St.3d. 74, 471 N.E.2d. 774.

Further, this same Court recognized that "[t]he Court's duty to include a notice to offender's about P.R.C. at their sentencing hearing(s) is the same as any other statutorily mandated term of a sentence, (2004), 104 Ohio St.3d. 21, 817 N.E.2d. 864.

At Defendant-Appellant's sentencing hearing (Transcript pgs. 25-33), The sentencing Judge does "not" specify as to which count the P.R.C. is applicable too:

' Now I have to advise you as to post-release control in this particular case. For the **felonies of the first degree**, it's a required term of 5 years of post-release control sanctions. '

Id. at pg. 33

In Jordan, Supra; The Court went on to say:

"[p]ursuant to R.C. § 2929.19 (B)(5), a trial court sentencing an offender to a community control sanction is required to deliver the statutorily **DETAILED** (Emphasis Added), notifications at the sentencing hearing. "

Id. at paragraph one of the syllabus

The Sixth Circuit Court in Simunov v U.S., 162 F.2d. 314 (6th Cir. June 5th, 1947) has held that:

" A convict should know with certainly what his punishment is to be and a reviewing court should not be called on to speculate as to what was in the mind of sentencing judge at time of imposition of penalty. "

Id. at page 314.

Certainly, it cannot be determined that Defendant-Appellant's sentence is detailed, as what this Honorable Court has previously held. Further, if Defendant-

Appellant/convict knew with certainty what his actual punishment is, there would be no need for this Honorable reviewing Court to speculate on what was in the sentencing Judges mind at the time of imposition of this ambiguous sentence,

Simnov v United States, 162 F.2d. 314 (6th Cir. June 5th,1947),

' A convict should know with certainty what his punishment is to be and a reviewing court should not be called on to speculate as to what was in the mind of sentencing judge at time of imposition of penalty '.

Even the Greatest-Highest Court in our Democracy has held:

' Sentences in criminal cases should reveal with fair certainty the intent of the Court and exclude any serious misapprehensions by those who must execute them '...

Id. at U.S. v Daugherty, 269 U.S. 360, 46 S.Ct. 156, at 363

Not only does this Defendant-Appellant not know what was in the mind of the sentencing judge at the imposition of punishment, this Court respectfully can not be certain as to which first degree felony the P.R.C. sanctions are applicable too. U.S. v Garza, 448 F.3d. 294 (5th Cir. 2006), the Court held:

" unclear or ambiguous sentences must be vacated and remanded for clarification in the interest of judicial econmy and fairness to all concerned parties. "

Undisputably, had the sentencing judge stipulated as to which first degree felony the P.R.C. sanctions were applicable to. Trial Courts should be required the use of meticulously precise language in all judgment entries, Especial care is essential where sentences for crime are imposed. U.S. v Daugherty, *Supra*

Had the Trial Court been specific, then and only then; would there be no need for this Court (or any other Court), to attempt to speculate which first degree felony the sentencing judge had in mind as the imposition of punishment. Since this cannot be determined through the record before this Court, Defendant-Appellant respectfully requests that this case at bar be remanded back to the sentencing Judge so that a proper, Constitutional, specified sentence may be delivered. Brooks v U.S., 223 F.2d. 393 (C.A. 10,1955), Id. at [3],[4]; ' It is imperative in maintaining respect for judgments of

courts that sentences in criminal cases should not be equivocal. '

At this point, shall this Honorable Court not be in agreement with Defendant-Appellant, Defendant-Appellant avers that his Journal Entry of sentencing is not in compliance with **Crim.R. 32(C)**, for the Third Appellate District (and various other Ohio Appellate Courts), have held that when a Journal Entry of Sentence does not dispose of the Court's rulings as to ' EACH CHARGE ', renders the order merely interlocutory. See State v Moore, 2007 Ohio 4941 at ¶ 10. State v Hayes, (2000), 9th Dist., 2000 WL 670672, and see also; State v Bezak, 114 Ohio St.3d. 94, 868 N.E.2d. 961.

Crim.R. 32 (C), in relevant part: ' A judgment of conviction shall set forth the plea, the verdict and findings, and the sentence. '

Defendant-Appellant's Judgment Entry is ambiguous/equivocal, and interlocutory; for it cannot be determined as to which first degree felony the P.R.C. sanctions are applicable too. U.S. v Daugherty, 269 U.S. 360: ' Trial Courts should be required the use of **meticulously precise language** (emphasis added), in " ALL " judgment entries. '

The Third Appellate District Court in its decision stated: ' Although we need not address the merits of Maag's appeal, in the interest of justice, we summarily note that **R.C. 2929.14 (F)(1)** and **R.C. 2967.28 (B)** do not permit the trial court to order a term of post-release control for each separate felony conviction. One term of P.R.C. for multiple convictions is proper, see State v Simpson.

Id. at ¶ 18

The Third District Court believes that res judicata should be applied to this case at bar. That is why that Court stated that they need not address the merits of Defendant-Appellant's appeal. Defendant-Appellant asserts that this belief is an erroneous misstatement by that court because no court has ever

held jurisdiction over Defendant-Appellant's sentence/Journal Entry, because of it being interlocutory. Upon review, this Honorable Court can easily see that Defendant-Appellant's sentence/Journal Entry is interlocutory.

Defendant-Appellant agrees with the fact that he is not entitled to be sentenced to multiple terms of P.R.C. . At the same time, Defendant-Appellant's case should be remanded back to the trial court for resentencing because the trial court did not use precise language when it sentenced Defendant-Appellant to the P.R.C. sanctions.

I do not believe that I should be given multiple terms of P.R.C.. I do however believe that my sentence (and all sentences), SHOULD DISCERN WHICH CHARGE/SENTENCE THE P.R.C. IS APPLICABLE TO. There is no need to wait until a hypothetical (ibid) situation to occur.

The necessity of journalizing an Entry in accordance with **Crim.R. 32(C)** is jurisdictional. WITHOUT a properly journalized judgment of conviction (like the case at bar), no Court has the power to hear an appeal. State v Teague, 3rd Dist. No. 9-01-25, 2001-Ohio-2286, at *1. It is well-established that an order must be final before it can be reviewed by an Appellate Court. If an order is not final, than an Appellate Court has no jurisdiction, Gen. Acc. Ins. Co. v Ins. Co. of North America, (1989), 44 Ohio St.3d. 17,20, 540 N.E.2d. 266.

Appellant asserts that no appellate Court has previously held jurisdiction for this exact reason.

Even if the statement were construed as a ' general sentence ', it could not cure inconsistencies in specific sentences, which are more precise and preferable to a ' general sentence. ' See Peoples v United States, 412 F.2d. 5, 7 (8th Cir. 1969).

IF subsequent relief were ever granted on individual counts in post-conviction proceedings, the added difficulty caused by the ' general sentence '

serving to express the aggravate term can easily be perceived. United States v Moynagh, 566 F.2d. 799,805 (1st Cir. 1977). Ibid, at page two (2).

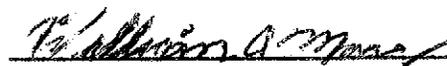
Due to Defendant-Appellant's Judgment Entry/sentence being interlocutory, for it lacks a stipulation as to which first degree felony the P.R.C. sanction is applied too, no Court of appeals holds jurisdiction other than the original sentencing court.

To fully and completely afford this Defendant-Appellant (and all Defendant-Appellant's/convict's), their Constitutional rights, this Honorable Court should remand this case back to the original sentencing court so that no speculations need to be applied.

CONCLUSION:

Due to the manner in which the imposition of Post-Release Control (P.R.C.), was set forth by the Trial/Sentencing Court (Sentencing Hearing, transcript pg. 33, and, the Judgment Entry of Sentencing, filed; December 4th, 2001), Defendant-Appellant avers that his sentence does not conform to the statutorily mandates. Wherefore, this interlocutory Judgment should be deemed as a nullity and void, it must be vacated, and; remanded back to the Trial/Sentencing Court.

Respectfully Submitted,

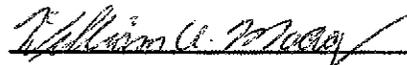


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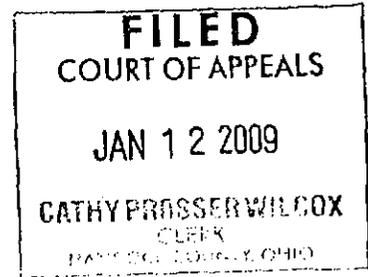
CERTIFICATE OF SERVICE:

I certify that a true and exact photocopy of this ' Memorandum In Support Of Jurisdiction ' was sent by ordinary U.S. Mail, to Counsel for Appellee; Mr. Mark C. Miller, Hancock County Prosecutor, located at 222 Broadway, Room 104, Findlay, Ohio 45840, on this 16th day of January, 2009.



Mr. William A. Maag # 417-503
P.O. Box 1812
Marion, Ohio 43301

IN THE COURT OF APPEALS
THIRD APPELLATE DISTRICT
HANCOCK COUNTY



STATE OF OHIO,

PLAINTIFF-APPELLEE,

CASE NO. 5-08-35

v.

WILLIAM A. MAAG,

OPINION

DEFENDANT-APPELLANT.

Appeal from Hancock County Common Pleas Court
Trial Court No. 2001 CR 00047

Judgment Affirmed

Date of Decision: January 12, 2009

APPEARANCES:

William A. Maag, In Propria Persona

Mark C. Miller for Appellee

ROGERS, J.

{¶1} Although originally placed on our accelerated calendar, we have elected, pursuant to Local Rule 12(5), to issue a full opinion in lieu of a judgment entry.

{¶2} Defendant-Appellant, William A. Maag, appeals from the judgment of the Hancock County Court of Common Pleas denying his motion for resentencing. On appeal, Maag argues that the trial court erred in denying his motion for resentencing because his sentence fails to properly include multiple terms of post-release control pursuant to R.C. 2929.14(F)(1) and R.C. 2967.28(B), and because his sentence fails to comply with Crim.R. 32(C), thereby violating his constitutional right to a proper sentence under the law. Finding that Maag's motion is an untimely petition for postconviction relief; that his motion is barred by res judicata; and, that R.C. 2929.14(F)(1) and R.C. 2967.28(B) do not permit imposition of multiple terms of post-release control for each felony conviction, we affirm the judgment of the trial court.

{¶3} In October 2001, Maag was convicted on all counts of a four count indictment, with count one for engaging in a pattern of corrupt activity in violation of R.C. 2923.32(A)(1), a felony of the second degree; count two for trafficking in marijuana in violation of R.C. 2925.03(A), (C)(3)(c), a felony of the fourth degree; count three for possession of cocaine, with a major drug offender specification, in

violation of R.C. 2925.11(A), (C)(4)(f), and R.C. 2941.141, a felony of the first degree; and, count four for aggravated burglary in violation of R.C. 2911.11(A)(1), a felony of the first degree.

{¶4} In November 2001, the trial court sentenced him to five years on count one, seventeen months on count two, ten years on count three, and eight years on count four, with the sentences for counts one and two to be served concurrently with each other, but to be served consecutively with the consecutive sentences for counts three and four, for a total prison term of twenty three years. The trial court further imposed one term of mandatory post-release control of up to five years.

{¶5} In December 2001, Maag appealed, and this Court affirmed the judgment of the trial court in its July 2002 decision.

{¶6} In July 2004, Maag filed a pro se application for leave to file a motion for a new trial on account of newly discovered evidence, and, in September 2004, the trial court overruled the application, finding that Maag failed to establish by clear and convincing evidence that he was prevented from filing a timely new trial motion.

{¶7} In November 2004, Maag filed a second pro se application for leave to file a motion for a new trial on account of newly discovered evidence. The trial court again overruled the application in January 2005, finding that Maag failed to

bring forth any additional support for the claims he previously alleged in his prior application.

{¶8} In March 2008, Maag filed a pro se motion for resentencing, alleging that the trial court's November 2001 sentencing entry failed to comply with Crim.R. 32(C) because the trial court was required to impose multiple terms of post-release control due to his multiple felony convictions, instead of one term of post-release control for all convictions.

{¶9} In July 2008, the trial court overruled Maag's motion for resentencing, finding that Maag was specifically advised of the mandatory five-year term of post-release control, and that the trial court complied with *State v. Bezak*, 114 Ohio St.3d 94, 2007-Ohio-3250, and *State v. Schmitt*, 175 Ohio App.3d 600, 2008-Ohio-1010 in sentencing Maag.

{¶10} It is from this judgment that Maag appeals, presenting the following pro se assignment of error for our review.

THE TRIAL COURT ERRED WHEN IT DENIED DEFENDANT-APPELLANT'S MOTION FOR RESENTENCING, FOR THE SENTENCE DOES NOT CONTAIN A PROPERLY IMPOSED STATUTORILY REQUIRED TERM OF POST-RELEASE CONTROL, THEREBY, MAKING THE COURT'S JUDGMENT INVALID, IRREGULAR, ERRONEOUS-VOID [SIC], AND/OR VOIDABLE.

{¶11} In his sole assignment of error, Maag argues that the trial court erred in overruling his motion for resentencing because the trial court's November 2001

sentencing entry failed to properly include multiple terms of post-release control. Specifically, Maag contends that R.C. 2929.14(F)(1) and R.C. 2967.28(B) require imposition of a separate term of post-release control for each felony conviction instead of imposition of one term of post-release control for all combined felony convictions, and that a failure to include multiple terms of post-release control violates Crim.R. 32(C) and his constitutional right to a proper sentence under the law.

{¶12} Before addressing the merits of Maag's assignment of error, we must first determine whether the trial court had jurisdiction to decide this motion, which is more properly construed as a petition for postconviction relief pursuant to R.C. 2953.21.

{¶13} A petition for postconviction relief made pursuant to R.C. 2953.21 is a request for “* * * the court to vacate or set aside the judgment or sentence or to grant other appropriate relief” because “* * * there was such a denial or infringement of the person's rights as to render the judgment void or voidable under the Ohio Constitution or the Constitution of the United States[.]” R.C. 2953.21(A)(1)(a). Accordingly, a petitioner must demonstrate there has been a denial or infringement of his constitutional rights to prevail on a petition for postconviction relief. *State v. Scott-Hoover*, 3d Dist. No. 3-04-11, 2004-Ohio-4804, ¶10. R.C. 2953.21 requires that all postconviction relief petitions must be

filed no later than one hundred eighty days after the date on which the trial transcript is filed in the court of appeals in the direct appeal of the judgment, unless otherwise provided by R.C. 2953.23. R.C. 2953.21(A)(2); *State v. Morgan*, 3d Dist. No. 17-08-16, 2008-Ohio-5194, ¶8.

{¶14} R.C. 2953.23 contains two exceptions which permit a filing of a petition beyond the one hundred eighty-day requirement. The first exception requires the petitioner to demonstrate that he was unavoidably prevented from discovering facts that form the basis of the claim for relief, or that the United States Supreme Court recognized a new federal or state right that applies retroactively to him. The second exception requires the petitioner to demonstrate that the results of DNA testing establish his actual innocence of a felony offense by clear and convincing evidence. *State v. King*, 3d Dist. No. 2-07-24, 2007-Ohio-6233, ¶18.

{¶15} Furthermore, any claim in a petition for postconviction relief that was raised or could have been raised on direct appeal will be barred from consideration under the doctrine of res judicata. *State v. Yarbrough*, 3d Dist. No. 17-2000-10, 2001-Ohio-2351, citing *State v. Reynolds*, 79 Ohio St.3d 158, 161, 1997-Ohio-304.

{¶16} Here, Maag asserts that, because the trial court did not order a term of post-release control for each felony conviction, the sentence is merely

interlocutory and void, as it fails to conform to the requirements of Crim.R. 32(C), R.C. 2929.14(F)(1), and R.C. 2967.28(B), thereby denying him his constitutional right to a proper sentence under the law. Because Maag asserts that his sentence results in a deprivation of his constitutional rights, we construe his motion as a petition for postconviction relief, thereby requiring him to meet the one hundred eighty-day filing requirement.

{¶17} Here, the transcripts of the trial court proceedings were filed with this Court in February 2002. Accordingly, Maag clearly missed the one hundred eighty-day deadline to file his petition. Moreover, this case does not fall into any of the exceptions permitted for extended filing under R.C. 2953.23, as this case does not deal with DNA evidence, a claim of a new federal or state right enumerated by the United States Supreme Court, or a claim of being unavoidably prevented from discovering facts forming the basis of the petition. As such, the trial court was without jurisdiction to consider Maag's petition for postconviction relief, and this Court need not consider the merits of his appeal. Additionally, his claim of improper sentencing could have been raised in his direct appeal in 2002; therefore, Maag's petition is further barred under res judicata principles.

{¶18} Although we need not address the merits of Maag's appeal, in the interests of justice, we summarily note that R.C. 2929.14(F)(1) and R.C. 2967.28(B) do not permit the trial court to order a term of post-release control for

each separate felony conviction. One term of post-release control for multiple convictions is proper. See *State v. Simpson*, 8th Dist. No. 88301, 2007-Ohio-4301, ¶109 (“There is nothing in R.C. 2967.28 which permits a trial court to impose multiple periods of post-release control for each felony conviction. When offenders are convicted of multiple first-degree felonies, courts shall impose ‘a mandatory term’ of post-release control, set forth in R.C. 2967.28(B)(1), not multiple terms.”) As such, the trial court did not violate Crim.R. 32(C) in ordering one five-year term of post-release control for all Maag’s felony convictions.

{¶19} Accordingly, we overrule Maag’s assignment of error.

{¶20} Having found no error prejudicial to the appellant herein, in the particulars assigned and argued, we affirm the judgment of the trial court.

Judgment Affirmed

WILLAMOWSKI and SHAW, J.J., concur.

/jlr

I, _____, Clerk of the Common Pleas
County of _____, do hereby certify
that the foregoing is a true and correct copy of
the original Opinion

_____ on file in
this office.
Cathy P. [Signature]
Clerk of the Common Pleas Court

By _____