[Cite as *State v. Ledney*, 2012-Ohio-5126.]

IN THE COURT OF APPEALS

ELEVENTH APPELLATE DISTRICT

TRUMBULL COUNTY, OHIO

STATE OF OHIO,	:	**O P I N I O N**
Plaintiff-Appellee,	:	
- vs -	:	**CASE NOS. 2012-T-0018, 2012-T-0020, and 2012-T-0021**
BRIAN J. LEDNEY,	:	
Defendant-Appellant.	:	

Criminal Appeals from the Newton Falls Municipal Court, Case Nos. TRD0103613 A, TRD0103613 B, and TRD0103860.

Judgment: Affirmed.

A. Joseph Fritz, Newton Falls Law Director, 19 North Canal Street, Newton Falls, OH 44444 (For Plaintiff-Appellee).

Michael J. McGee, Harrington, Hoppe & Mitchell, Ltd., 108 Main Avenue, S.W., Suite 500, Warren, OH 44481 (For Defendant-Appellant).

TIMOTHY P. CANNON, P.J.

{¶1} Appellant, Brian J. Ledney, appeals the judgments of the Newton Falls Municipal Court in this consolidated appeal. For the reasons that follow, the judgments are affirmed.

{¶2} On June 17, 2001, appellant was issued a traffic citation for speeding and failing to wear a seatbelt. The record indicates appellant waived the ticket and mailed the fine.

{¶3} On July 1, 2001, appellant was issued a traffic citation for speeding. Appellant again waived the ticket and paid the fine, though this time the record indicates he appeared in court.

{¶4} Over a decade later, on December 20, 2011, appellant filed motions in each of these cases seeking to vacate his pleas and for a "new trial," relying on Crim.R. 33. In the motions, appellant argued he was not speeding. Appellant also alleged the existence of the traffic citations made it difficult for him to gain employment. The municipal court denied the motions without a hearing. Appellant now appeals from these denials.

{¶5} After the court's judgment denying his Crim.R. 33 motions, appellant filed "motion[s] for reconsideration," attempting to characterize his previous efforts as Crim.R. 32.1 motions to withdraw plea. After these appeals were initiated, the trial court correctly recognized the motions were legal nullities and could not be considered.

{¶6} Appellant asserts one assignment of error for review by this court:

{¶7} "The trial court erred to the prejudice of the Appellant by denying his motions to vacate his guilty pleas and to grant a new trial."

{¶8} In this case, appellant voluntarily paid his uncontested fines in both his traffic cases. Though alleging he cannot find employment due to his speeding tickets from a decade ago, appellant did not support this claim. In fact, he failed to offer any information from which an inference could be drawn that he now suffers any collateral disability. Therefore, as appellant's fines are paid, his sentences have been completed, and there is nothing by which to infer any collateral disability, these appeals are moot. *See State v. Wilson*, 41 Ohio St.2d 236, 238 (1975) ("where a defendant has voluntarily paid a fine in satisfaction of a judgment, evidence must be offered from which an

inference can be drawn that he suffers some collateral disability apart from the sentence * * * in order for the defendant to have a right of appeal"); *see also State v. Berndt*, 29 Ohio St.3d 3, 4 (1987).

{¶9} Assuming this court took appellant's contention as fact concerning his inability to find work as a collateral consequence of his sentences, his argument nonetheless fails. It is presumed, absent any evidence to the contrary, that appellant entered his pleas knowingly, voluntarily, and intelligently; thus, he is precluded from making a Crim.R. 33 motion for a new trial. *See, e.g., State v. Franklin*, 2d Dist. No. 2002 CA 77, 2003-Ohio-3831, ¶11; *State v. Aleshire*, 5th Dist. No. 09-CA-132, 2010-Ohio-2566, ¶54. Appellant properly completed and signed the waiver of rights portion of both respective citations. In signing the waiver, appellant affirmed his understanding that this was an admission of his guilt to the ticketed offenses and also waived his right to contest the offenses in a trial. He further affirmed that a record of the pleas would be sent to the Ohio Bureau of Motor Vehicles. His signature also indicated he had not pled guilty to two or more moving traffic offenses within the previous 12 months.

{¶10} To the extent appellant's motions sought to withdraw his guilty pleas, his argument still fails because he did not demonstrate any basis for manifest injustice in his motion. *See State v. Sterling*, 11th Dist. No. 2011-A-0010, 2011-Ohio-5598, ¶23. Appellant's assignment of error is without merit.

{¶11} The judgments of the Newton Falls Municipal Court are affirmed.

DIANE V. GRENDELL, J.,

THOMAS R. WRIGHT, J.,

concur.