

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

STATE OF OHIO,	:	APPEAL NO. C-150062
	:	TRIAL NO. B-0803863
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
COREY CRAVENS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Corey Cravens appeals the Hamilton County Common Pleas Court’s judgments overruling his “Motion to Set Aside Judgment” and “Motion for Resentencing.” We affirm the court’s judgments as modified.

Cravens was convicted in 2009 upon jury verdicts finding him guilty of felonious assault and robbery. He unsuccessfully challenged his convictions in direct appeals to this court and the Ohio Supreme Court, *State v. Cravens*, 1st Dist. Hamilton No. C-090078 (Dec. 9, 2009), *appeal not accepted*, 124 Ohio St.3d 1510, 2010-Ohio-799, 922 N.E.2d 971, and in two postconviction motions filed in 2014.

In this appeal, he advances four assignments of error that, read together, challenge the denial of the relief sought in his May 2014 “Motion to Set Aside Judgment” and October 2014 “Motion for Resentencing.” We overrule the assignments of error because the common pleas court had no jurisdiction to entertain those motions.

In his “Motion to Set Aside Judgment,” Cravens sought relief from his convictions under Civ.R. 60(B). Civ.R. 60(B) governs the proceedings upon a motion seeking relief from a judgment entered in a civil action. *See* Civ.R. 1(A). And Crim.R. 57(B) permits a court in a criminal matter to “look to the rules of civil procedure * * * if no rule of criminal procedure exists.” But Crim.R. 35 governs the proceedings upon a petition under R.C. 2953.21 et seq. for postconviction relief. And the postconviction statutes provide “the exclusive remedy by which a person may bring a collateral challenge to the validity of a conviction or sentence in a criminal case.” R.C. 2953.21(J). Therefore, Cravens’s motion was reviewable not as a Civ.R. 60(B) motion, but under the standards provided by the postconviction statutes. *See State v. Schlee*, 117 Ohio St.3d 153, 2008-Ohio-545, 882 N.E.2d 431, ¶ 12.

Cravens’s “Motion for Resentencing” was also reviewable under the postconviction statutes. The motion did not designate a rule or statute under which the relief sought might be granted. And, again, the postconviction statutes provide the exclusive means for mounting a collateral challenge to the validity of a sentence. R.C. 2953.21(J); *see Schlee* at ¶ 12.

But the postconviction statutes did not confer upon the common pleas court jurisdiction to entertain Cravens’s postconviction claims. He filed his motions well after the time prescribed by R.C. 2953.21(A)(2) had expired. And he did not satisfy the jurisdictional requirements for a late postconviction petition, because he failed to demonstrate that, but for the alleged errors, “no reasonable factfinder would have found [him] guilty of the offense[s] of which [he] was convicted.” *See* R.C. 2953.23(A)(1).

Nor could the common pleas court entertain Cravens’s motions under its jurisdiction to correct a void judgment. *State ex rel. Cruzado v. Zaleski*, 111 Ohio St.3d

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353, 2006-Ohio-5795, 856 N.E.2d 263, ¶ 18-19. The errors alleged in the motions, even if demonstrated, would not have rendered his convictions void. *See State v. Wurzelbacher*, 1st Dist. Hamilton No. C-130011, 2013-Ohio-4009, ¶ 8; *State v. Grant*, 1st Dist. Hamilton No. C-120695, 2013-Ohio-3421, ¶ 9-16 (holding that a judgment of conviction is void only to the extent that a sentence is unauthorized by statute or does not include a statutorily mandated term or if the trial court lacks subject-matter jurisdiction or the authority to act).

Because the common pleas court had no jurisdiction to entertain Cravens's postconviction claims, his motions were subject to dismissal without an evidentiary hearing and without findings of fact and conclusions of law. *See* R.C. 2953.21(C) and 2953.23(A), (B), and (E); *State ex rel. Kimbrough v. Greene*, 98 Ohio St.3d 116, 2002-Ohio-7042, 781 N.E.2d 155, ¶ 6. We, therefore, modify the judgments appealed from to reflect the dismissal of the motions. And we affirm the judgments as modified. *See* App.R. 12(A)(1)(a).

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., MOCK and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on December 23, 2015
per order of the court _____.

Presiding Judge