



## State v. Martin

2010-Ohio-4996 (2010) | Cited 0 times | Ohio Court of Appeals | October 14, 2010

(REGULAR CALENDAR)

### DECISION

{¶1} Gary R. Martin entered guilty pleas to four felony charges in 2004 and was sentenced to a total of 12 years of incarceration. Subsequently, he filed a "motion to vacate and reconstruct sentence," a petition for post-conviction relief ("PCR") and finally a "motion to void judgment under Civ.R. 60(B)." The "motion to void judgment" is before us on this appeal.

{¶2} The trial court judge assigned to the case denied the motion to void judgment, as he had the earlier motion and petition for PCR, because the actions were not filed within the time permitted by law. Those earlier rulings by the trial court have already been affirmed on direct appeal.

{¶3} Martin's brief does not really set forth an assignment of error, but the essence of his complaint is that the trial court did not have jurisdiction over his cases because of an alleged defect or defects in his indictment.

{¶4} Martin's arguments have no merit for several reasons. First, he cannot use a Civ.R. 60(B) motion as a substitute for a petition for PCR.

{¶5} Second, he has already pursued a petition for PCR unsuccessfully, so his issues have already been decided. In technical legal terms, he is barred relief based upon the doctrine of res judicata.

{¶6} Finally, Martin's guilty pleas wiped out any argument he might have had with respect to his indictments.

{¶7} Martin's assigned error and related issues are overruled. The judgment of the Franklin County Court of Common Pleas is affirmed.

Judgment affirmed.

KLATT and SADLER, JJ., concur.

