

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

STATE OF OHIO,	:	APPEAL NO. C-220473
	:	TRIAL NO. B-1600122
Respondent-Appellee,	:	
	:	<i>OPINION.</i>
vs.	:	
JAMES WILLIAMS,	:	
	:	
Petitioner-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: August 2, 2023

Melissa A. Powers, Hamilton County Prosecuting Attorney, and *Ronald W. Springman, Jr.*, Assistant Prosecuting Attorney, for Respondent-Appellee,

James Williams, pro se.

WINKLER, Judge.

{¶1} Petitioner-appellant James Williams appeals the Hamilton County Common Pleas Court’s judgment dismissing his R.C. 2953.21 petition for postconviction relief. We affirm.

Procedural History

{¶2} Following a jury trial in 2018, James Williams was convicted of aggravated vehicular homicide and sentenced to an eight-year prison term. We affirmed Williams’s conviction and sentence on appeal, overruling assignments of error challenging, among other things, the weight of the evidence. *State v. Williams*, 1st Dist. Hamilton No. C-180574, 2020-Ohio-1367, *appeal not accepted*, 159 Ohio St.3d 1447, 2020-Ohio-3712, 149 N.E.3d 527.

{¶3} While Williams’s direct appeal was pending, he filed a R.C. 2953.21 petition for postconviction relief in the common pleas court, asserting that his trial counsel had been constitutionally ineffective for failing to seek dismissal of the charges against him based on a violation of Ohio’s speedy-trial statute and for failing to argue that the jury’s verdict was improperly based on “inference upon inference,” violating his right to a fair trial. In support of his speedy-trial claim, Williams attached a copy of the clerk of court’s docket, which showed the number of continuances requested and the date each was granted. And in support of his second claim, Williams cited testimony in the trial transcript.

{¶4} The trial court summarily dismissed Williams’s petition as “not well taken.” On appeal, this court reversed the court’s judgment dismissing Williams’s petition because the common pleas court had failed to make findings of fact and conclusions of law in compliance with R.C. 2953.21(H). *State v. Williams*, 1st Dist. Hamilton No. C-210326, 2022-Ohio-1572, ¶ 5.

{¶5} On remand, the common pleas court again dismissed Williams’s postconviction petition, and in its entry made findings of fact and conclusions of law.

The court found that Williams had been convicted of aggravated vehicular homicide and sentenced to eight years in prison, and that his conviction and sentence had been affirmed on appeal. The trial court then set forth both postconviction claims, found that each claim could have been determined on direct appeal without resort to evidence outside the record, and concluded that both postconviction claims were barred by res judicata. Williams now appeals.

The trial court's entry complied with R.C. 2953.21(H)

{¶6} In his single assignment of error, Williams specifically addresses his speedy-trial claim and contends that “[t]he trial court failed to follow the mandate of this Court and the Ohio Supreme Court in proceeding to judgment without giving appealable findings of fact and conclusions of law.” We disagree.

{¶7} R.C. 2953.21(H) requires the common pleas court to make and file findings of fact and conclusions of law when the court does not find grounds for granting postconviction relief. Findings of fact and conclusions of law are adequate if “they cover and pertain to the materials and determinative issues presented in the petition and adequately apprise the petitioner and the reviewing court of the legal and evidentiary bases for the decision denying the petition.” *State v. Lavender*, 1st Dist. Hamilton No. C-210151, 2021-Ohio-4274, ¶ 6, citing *State v. Pickens*, 2016-Ohio-5257, 60 N.E.3d 209, ¶ 18 (1st Dist.).

{¶8} In *Lavender*, this court reversed the common pleas court's judgment denying petitioner's R.C. 2953.21 petition for postconviction relief because the court's findings of fact and conclusions of law did not conform to the requirements of R.C. 2953.21(H). The findings did not specify which claims were barred by res judicata or what parts of the record were found to have established the bar and did not address the material and determinative issues presented by the petitioner. Therefore, the appellate court was prevented from conducting a “meaningful judicial review.” *Id.* at ¶ 5.

{¶9} In this case, given the small number of claims and their rather straightforward nature, as well as the fact that Williams supported those claims only with evidence from the record and did not rely on any outside evidence, we hold that the common pleas court's entry dismissing Williams's petition for postconviction relief was sufficient to allow this court to conduct a meaningful judicial review of the issues. Accordingly, we overrule Williams's single assignment of error.

{¶10} We note that Williams has not raised assignments of error substantively challenging the court's judgment dismissing his postconviction claims based on res judicata, and we cannot ascertain any error on the part of the common pleas court in doing so. With respect to Williams's claim of his counsel's ineffectiveness for failing to move to dismiss the charges on speedy-trial grounds, we note that the record contained all the entries granting continuances and each entry noted who had requested the continuance and why, had been signed by counsel for both parties, and had specifically indicated whether Williams was waiving time.

{¶11} For the foregoing reasons, the assignment of error is overruled, and the judgment of the common pleas court is affirmed.

Judgment affirmed.

ZAYAS, P.J., and BOCK, J., concur.

Please note:

The court has recorded its own entry on the date of the release of this opinion.