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

STATE OF OHIO,	:	APPEAL NO. C-250472 TRIAL NO. B-2005012
Plaintiff-Appellee,	:	
vs.	:	
AARON GILL,	:	*JUDGMENT ENTRY*
Defendant-Appellant.	:	

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the appeal is dismissed.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 8/21/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer Kinsley
Administrative Judge

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STATE OF OHIO,	:	APPEAL NO. C-250472 TRIAL NO. B-2005012
Plaintiff-Appellee,	:	
vs.	:	
AARON GILL,	:	*O P I N I O N*
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Appeal Dismissed

Date of Judgment Entry on Appeal: August 21, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Ronald W. Springman, Jr.,* Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Bryan R. Perkins, for Defendant-Appellant.

BOCK, Judge.

{¶1} Defendant-appellant Aaron Gill appeals the trial court's August 2025 judgment resentencing him for multiple drug-trafficking offenses. This is Gill's third appeal arising from his convictions. Although this appeal is taken from the August 2025 resentencing entry, its resolution turns on the validity of the trial court's September 2024 resentencing entry, which the trial court issued after our remand in Gill's direct appeal. *See State v. Gill*, 2024-Ohio-2792 (1st Dist.) ("*Gill I*"). Gill now alerts us that the September 2024 entry is void because, when the trial court journalized that entry, jurisdiction over the case had vested in the Ohio Supreme Court upon the perfection of his appeal from our opinion in *Gill I*.

{¶2} We agree. Because Gill's appeal to the Ohio Supreme Court divested the trial court of jurisdiction to resentence him, the September 2024 resentencing entry is void. Consequently, all subsequent proceedings predicated on that void judgment, including the August 2025 judgment from which this appeal is taken, are likewise void. Therefore, we vacate the August 2025 resentencing entry, our opinion and judgment in *State v. Gill*, 2025-Ohio-1805 (1st Dist.) ("*Gill II*") (because that appeal was taken from the void September 2024 resentencing entry), and the September 2024 sentencing entry itself. *See J.B. v. R.B.*, 2015-Ohio-3808, ¶ 4 (9th Dist.), citing *Van DeRyt v. Van DeRyt*, 6 Ohio St.2d 31, 36-37 (1966) (noting that appellate courts have inherent authority to recognize void judgments from lower courts within its district and vacate them).

{¶3} Further, as this appeal was taken from a void judgment, we lack jurisdiction to consider its merits, and we dismiss this appeal.

{¶4} The parties are now in the same procedural posture they occupied after our decision in *Gill I* and, absent any appeal from this opinion, the trial court now has

jurisdiction to carry out our remand order in *Gill I*.

I. Factual and Procedural History

{¶5} In September 2023, Gill was convicted of having a weapon while under a disability ("WUD"), trafficking in heroin, possession of heroin, trafficking in cocaine, possession of cocaine, trafficking in a fentanyl-related compound, possession of a fentanyl-related compound, aggravated trafficking in drugs, aggravated possession of drugs, and multiple firearm and major-drug-offender ("MDO") specifications. The trial court imposed an aggregate sentence of 20 to 25 and one-half years. Gill appealed.

{¶6} In *Gill I*, 2024-Ohio-2792 (1st Dist.), released on July 24, 2024, we reversed all the sentences except for the sentence imposed for the WUD offense and remanded the cause for resentencing. We instructed the trial court as follows:

> Because the various trafficking and possession convictions for each respective drug are allied offenses of similar import, they must be merged at sentencing. The multiple firearm specifications must also be merged. On remand, the trial court must make the necessary findings before imposing consecutive sentences. And it may not impose additional prison terms for the MDO specifications attached to the trafficking and possession offenses other than the offense involving a fentanyl-related compound.

Gill I at ¶ 101.

{¶7} In early September 2024, the trial court held a resentencing hearing, but it did not enter its sentence upon the record until weeks later. In the meantime, on September 5, 2024, Gill filed a notice of appeal from our judgment in *Gill I* to the Ohio

Supreme Court.[1] On September 26, 2024, the trial court entered on the docket an entry resentencing Gill based on our remand in *Gill I*.

{¶8} Gill then appealed from the court's September 2024 resentencing entry. In that appeal, no party challenged whether the September 2024 resentencing entry was void for lack of jurisdiction and we did not sua sponte address it. In May 2025, we released our opinion in Gill's second appeal, which improperly considered the merits of the September 2024 entry, reversed the trial court's judgment, and remanded the cause for another resentencing. *Gill II,* 2025-Ohio-1805, at ¶ 22-25 (1st Dist.).

{¶9} In August 2025, the trial court resentenced Gill to an aggregate prison term of 20 to 25 and one-half years. He now appeals, raising six assignments of error. Before addressing his assignments of error, we first must determine if we have jurisdiction to hear this appeal.

II. Jurisdiction

{¶10} Gill argues for the first time in this appeal that the trial court lacked jurisdiction to resentence him in September 2024 after he filed his notice of appeal with the Ohio Supreme Court, and that any judgment flowing from that void entry is likewise void. Because jurisdictional defects may be raised at any time and because this court must sua sponte address its own jurisdiction, we consider this issue first. *Pratts v. Hurley*, 2004-Ohio-1980, ¶ 11, citing *United States v. Cotton*, 535 U.S. 625, 630 (2002).

{¶11} In *State v. Washington*, the Supreme Court of Ohio reaffirmed that the perfection of an appeal divests the trial court of jurisdiction except to take action in aid of the appeal. *State v. Washington*, 2013-Ohio-4982, ¶ 8. There, after the State

[1] In December 2024, the Ohio Supreme Court declined to accept jurisdiction over Gill's appeal from our opinion in *Gill I*.

filed a discretionary appeal challenging the court of appeals' merger decision, the trial court resentenced the defendant on remand. The defendant argued that the resentencing rendered the State's appeal moot. The Supreme Court rejected that argument, holding that because the State had already perfected its appeal, the trial court lacked jurisdiction to resentence the defendant. As a result, the resentencing entry was null and void and did not affect the Supreme Court's jurisdiction over the appeal. *Id.*, citing *In re S.J.*, 2005-Ohio-3215, ¶ 9, 15 (holding the juvenile court's order adjudicating S.J. delinquent was void because the court lacked jurisdiction to proceed after the State had perfected an appeal from the juvenile court's dismissal of some of the charges); *see* R.C. 2505.04 (an appeal is perfected upon the filing of the notice of appeal).

{¶12} In *State v. Thomas*, 2016-Ohio-8326 (8th Dist.) ("*Thomas II*"), the Eighth District considered the trial court's jurisdiction to enter a resentencing order during the pendency of an appeal in the Supreme Court of Ohio. In Thomas's first appeal, the Eighth District reversed Thomas's sentences and remanded the cause to the trial court for a new sentencing hearing. *State v. Thomas*, 2015-Ohio-415 (8th Dist.) ("*Thomas I*"). The State filed a notice of appeal from *Thomas I* to the Supreme Court of Ohio. *Thomas II* at ¶ 3. In July 2015, while the State's appeal from *Thomas I* was pending before the Supreme Court, the trial court entered a new sentencing order. *Id.* at ¶ 5. Thomas's second appeal challenged the trial court's July 2015 resentencing order. *Id.* at ¶ 1. The Eighth District, applying *Washington*, vacated the July 2015 resentencing order as void and held that the trial court lacked jurisdiction to resentence Thomas while the State's appeal was pending before the Supreme Court of Ohio. *Id.* at ¶ 13-14.

{¶13} The same principle applies here. Although the trial court conducted the

resentencing hearing before Gill filed his notice of appeal from *Gill I*, it did not journalize the sentencing entry until September 25, 2024. By that time, Gill had perfected his appeal to the Ohio Supreme Court. Because his filing the notice of appeal divested the trial court of jurisdiction, and because a court speaks only through its journal entries, *see State v. Fanon*, 2019-Ohio-1752, ¶ 4 (1st Dist.), the trial court lacked jurisdiction to impose Gill's sentence by journal entry on September 25, 2024. Accordingly, the September 25, 2024 sentencing entry is void. *See Thomas* at ¶ 14; *see also In re S.J.* at ¶ 15.

{¶14} "'The effect of determining that a judgment is void is well established. It is as though such proceedings had never occurred; the judgment is a mere nullity . . . and the parties are in the same position as if there had been no judgment.'" *State v. Bezak*, 2007-Ohio-3250, ¶ 12, quoting *Romito v. Maxwell*, 10 Ohio St.2d 266, 267 (1967).

{¶15} Because we hold that the September 2024 entry is void, all subsequent judgments flowing from that entry are void, including our judgment in *Gill II* and the trial court's August 2025 judgment resentencing Gill based on our remand in *Gill II*.

{¶16} Because the August 2025 entry is void, it is not a final appealable order, which means this court lacks jurisdiction over this appeal and may not address Gill's assignments of error. *State v. Williams*, 2011-Ohio-1875, ¶ 15 (12th Dist.). Accordingly, we dismiss this appeal.

{¶17} Consequently, the parties are in the same procedural posture as they were after *Gill I*. Upon the entry of this judgment of dismissal, the trial court is vested with jurisdiction to sentence Gill according to our *Gill I* remand order.

III. Conclusion

{¶18} This appeal is dismissed for lack of a final, appealable order.

Appeal dismissed.

CROUSE, P.J., and **NESTOR, J.,** concur.