

# The Supreme Court of Ohio

MAY 13 2025

State of Ohio ex rel. Christopher Michael  
Williams

Case No. 2025-0191

v.

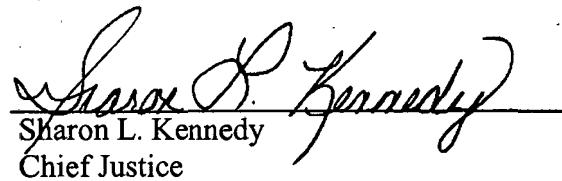
IN MANDAMUS

Judges Marilyn Zayas, Jenifer Kinsley, And  
Robert Winkler of the First Appellate District of  
Hamilton County, Ohio

E N T R Y

This cause originated in this court on the filing of a complaint for a writ of mandamus.

Upon consideration of respondents' motion to dismiss, it is ordered by the court that the motion to dismiss is granted. Accordingly, this cause is dismissed.

  
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Sharon L. Kennedy  
Chief Justice

App. B

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

JUL 26 2024

STATE OF OHIO, : APPEAL NO. C-230333

Plaintiff-Appellee, : ENTRY DENYING DELAYED  
vs. : APPLICATION FOR  
CHRIS WILLIAMS, : RECONSIDERATION  
Defendant-Appellant. :

This matter is before the court on defendant-appellant Chris Williams's delayed App.R. 26(A) application for reconsideration of this court's opinion affirming the common pleas court's judgment denying Williams's 2017 petition for postconviction relief and dismissing his 2019 petition for postconviction relief.

After reviewing Williams's application, we deny it for two reasons: first, it is untimely, *see* App.R. 26(A)(1)(a), and, second, even if it had been timely filed, the application lacks merit because it fails to call to our attention an obvious error in the decision or an issue that we should have considered, but did not, in deciding the appeal. *See State v. Black*, 78 Ohio App.3d 130, 132, 604 N.E.2d 171 (1st Dist.1991), citing *Matthews v. Matthews*, 5 Ohio App.3d 140, 143, 450 N.E.2d 278 (10th Dist.1981).

**ZAYAS, P.J., WINKLER and KINSLEY, J.J.**

To the clerk:

JUL 16 2024

Enter upon the journal of the court on \_\_\_\_\_.

By: Marilyn Jayne (Copies sent to all counsel)  
Presiding Judge

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

STATE OF OHIO,	:	APPEAL NO. C-230333
Plaintiff-Appellee,	:	
vs.	:	<i>ENTRY DENYING "MOTION TO RECALL THE MANDATE AND DELAYED APPLICATION FOR RECONSIDERATION FOR EXTRAORDINARY CIRCUMSTANCES AND REQUEST FOR EN BANC HEARING"</i>
CHRIS WILLIAMS,	:	
Defendant-Appellant.	:	

This cause came on to be considered upon defendant-appellant Chris Williams's "Motion to Recall the Mandate and Delayed Application for Reconsideration for Extraordinary Circumstances and Request for En Banc Hearing." After considering his arguments in support, we find them to lack merit and thus deny his motion, his delayed application for reconsideration, and his request for an en banc hearing.

This is Williams's second application for reconsideration of the court's judgment in this appeal, which affirmed the denial of his timely-filed 2017 petition for postconviction relief and the dismissal of his 2019 petition for postconviction relief. Williams argues that this court should "recall" its July 2024 entry denying his first application for reconsideration because it had in fact been timely-filed. Although Williams's first application was timely, we had also denied the application after considering its merits and found that Williams had not raised any issue that the court had failed to consider or fully consider in deciding his appeal. *See State v. Black*, 78 Ohio

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App.3d 130, 132 (1st Dist. 1991), citing *Matthews v. Matthews*, 5 Ohio App.3d 140, 143 (10th Dist. 1981). Accordingly, we decline the offer to “recall” it.

Turning to Williams’s most recent delayed application for reconsideration, we deny it because it is both untimely and lacks merit. Williams’s motion was filed approximately four months past the deadline set forth in App.R. 26(A)(1)(a). Significantly, Williams second application raises the same or similar arguments he had made in his first application and thus, does not set forth any issue that this court failed to consider or fully consider in deciding his appeal. *Id; see also State v. Wellington*, 2015-Ohio-2754, ¶ 6 (7th Dist.) (App.R. 26(A) does not provide for “successive reconsiderations of our final judgment in an appeal.”).

Williams does raise for the first time in his delayed application that the common pleas court had failed to issue findings of fact and conclusions of law when denying his timely-filed 2017 petition as required by R.C. 2953.21(H). But he did not assign that as error in his appeal and so we did not consider it. An application for reconsideration may not raise new issues for this court’s consideration that were not raised and could have been raised on direct appeal. *See State v. Davic*, 2021 Ohio App LEXIS 3649, \*8-9 (10th Dist.), citing *State ex rel. Newell v. Ohio Adult Parole Authority*, 2020-Ohio-967, ¶ 12. Because Williams failed to raise the issue of the lack of findings and conclusions by the lower court, that argument has been waived, and we may not consider it (or any other issue that has been waived) as a basis to grant the application for reconsideration.

Finally, we deny Williams’s request for an en banc hearing as it is untimely and lacks merit. *See* App.R. 26(A)(2)(a) and (c). Under App.R. 26(A)(2)(a), if a court of appeals determines that two or more of its decisions are in conflict, it may order that an appeal or other proceeding be considered en banc. The burden is on the party requesting

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en banc consideration to “explain how the panel’s decision conflicts with a prior panel’s decision on a dispositive issue and why consideration by the court en banc is necessary.” App.R. 26(A)(2)(b). Because Williams fails to set forth how the panel’s decision in this appeal conflicts with another decision from this district on the same dispositive issue, his request for an en banc hearing is denied.

Accordingly, Williams’s “Motion to Recall the Mandate and Delayed Application for Reconsideration for Extraordinary Circumstances and Request for En Banc Hearing” is denied.

**ZAYAS, P.J., WINKLER and KINSLEY, JJ.**

**To the Clerk:**

Enter upon the Journal of the Court on SEP 20 2024

By: Marilyn Mayer  
Presiding Judge

(COPIES SENT TO ALL PARTIES.)