

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

State v. Phelps

2026-Ohio-1575 · No. 2025 CA 00035 · Decided April 30, 2026

SUMMARY

The Ohio Court of Appeals for the Fifth Appellate District affirmed the dismissal of Robert Phelps's petition for post-conviction relief as untimely. The court held that Phelps did not satisfy the statutory exceptions allowing consideration of an untimely petition and that the trial court was not required to issue findings of fact and conclusions of law or conduct an evidentiary hearing.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	William B. Hoffman, P.J.; Robert G. Montgomery, J.; Kevin W. Popham, J.
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Fairfield County
DECIDED	April 30, 2026
DOCKET	2025 CA 00035
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the dismissal of an untimely petition for post-conviction relief by the Fairfield County Court of Common Pleas.
STANDARD OF REVIEW	The appellate court reviewed whether the trial court properly dismissed the post-conviction petition as untimely and whether the court was required to issue findings of fact and conclusions of law or conduct an evidentiary hearing.
PRECEDENTIAL VALUE	Published
PARTIES	Robert Phelps v. State of Ohio

TOPICS

- state post-conviction relief
- post-conviction relief
- criminal procedure
- appellate procedure
- due process

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the trial court properly dismissed Phelps's petition for post-conviction relief as untimely.
2. Whether a trial court must issue findings of fact and conclusions of law when dismissing an untimely post-conviction petition.
3. Whether a trial court must conduct an evidentiary hearing when it lacks jurisdiction to consider an untimely post-conviction petition.

HOLDINGS

1. The petition was untimely because it was filed more than 365 days after the transcript was filed in the direct appeal, and Phelps failed to satisfy either applicable exception permitting consideration of an untimely petition under R.C. 2953.23(A)(1).
2. The trial court was not required to issue findings of fact and conclusions of law or conduct an evidentiary hearing when dismissing a post-conviction petition as untimely and lacking jurisdiction to consider it.

KEY QUOTATIONS

“A trial court has no jurisdiction to hear an untimely petition for post-conviction relief unless the movant meets the requirements set forth in R.C. § 2953.23(A).” (¶ 8)

“Further, when a trial court lacks jurisdiction to consider an untimely-filed petition, it is not necessary for the court to hold an evidentiary hearing.” (¶ 10)

FACTUAL BACKGROUND

Phelps pleaded guilty to twelve counts of aggravated trafficking in drugs and one count of engaging in a pattern of corrupt activity in exchange for dismissal of seventy-one additional indictment counts. The trial court imposed the jointly recommended fifteen-year prison sentence, and the Court of Appeals affirmed the conviction and sentence. The transcript in the direct appeal was filed on June 8, 2021, but Phelps did not file his post-conviction petition until September 4, 2025. His petition alleged prosecutorial misconduct, ineffective assistance of counsel, and cumulative constitutional violations, but did not assert that he was unavoidably prevented from discovering the facts supporting his claims or establish actual innocence by clear and convincing evidence.

PROCEDURAL HISTORY

Phelps pleaded guilty in 2020 to twelve counts of aggravated trafficking in drugs and one count of engaging in a pattern of corrupt activity and received a jointly recommended fifteen-year sentence. The Ohio Fifth District previously affirmed his conviction and sentence. Phelps filed a petition for post-conviction relief on September 4, 2025; the trial court dismissed it as untimely and without findings of fact, conclusions of law, or an evidentiary hearing. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Phelps, 2022-Ohio-3025 (5th Dist.)
- State v. Robinson, 2022-Ohio-3566, ¶ 12 (5th Dist.)
- State ex rel. George v. Burnside, 2008-Ohio-2702, ¶ 6
- State v. Moore, 2015-Ohio-550, ¶ 12 (2d Dist.)

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