

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

STATE OF OHIO,	:	APPEAL NO. C-150011
Plaintiff-Appellee,	:	TRIAL NO. B-1307396
vs.	:	<i>JUDGMENT ENTRY.</i>
DWAYNE BUNCH,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

This is a criminal appeal of a sentence imposed following a community-control violation. We affirm the judgment of the trial court.

Dwayne Bunch pled guilty to attempted improper handling of a firearm in a vehicle. The court sentenced him to a three-year term of community control. When sentencing Bunch, the court informed him “the court may impose a term of 12 months in the Ohio Department of Corrections.”

Three months later, Mr. Bunch was cited for violating the conditions of community control. The court reinstated community control, and reminded Bunch, “[I]n the event of a further violation, Mr. Bunch, you do face 12 months in the Ohio Department of Corrections.” Mr. Bunch again violated the conditions of community control. This time, the court found him guilty of the violation, revoked community control and sentenced him to nine months in prison.

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In his sole assignment of error, Mr. Bunch asserts that the court erred when it sentenced him to a nine-month prison term. He argues that the court’s notification that it “may”—rather than “would”—impose a 12-month sentence if Bunch violated his community-control conditions did not satisfy statutory requirements. We are not persuaded.

“[A] trial court sentencing an offender to a community control sanction must, at the time of the sentencing, notify the offender of the specific prison term that may be imposed for a violation of the conditions of the sanction, as a prerequisite to imposing a prison term on the offender for a subsequent violation.” *State v. Brooks*, 103 Ohio St.3d 134, 2004-Ohio-4746, 814 N.E.2d 837, paragraph two of the syllabus. See R.C. 2929.19(B)(4). Here, the court’s notification that it “may impose a term of 12 months” precisely tracked the language of R.C. 2929.19(B)(4). Having given the requisite notification at the sentencing hearing, the court did not err when it imposed a nine-month sentence for Bunch’s subsequent community-control violation. The assignment of error is overruled.

We therefore affirm the judgment of the trial court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., DEWINE and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on September 9, 2015
per order of the court _____.

Presiding Judge