# CAPTION: STATE V. PATRICK

**11-23-22**

APPEAL NO.: C-220049

TRIAL NO.: B-2102022

KEY WORDS: NO-CONTACT ORDER – COMMUNITY CONTROL — NOTIFICIATION OF POSTRELEASE CONTROL – R.C. 2929.191

SUMMARY:

The trial court erred in imposing both a prison term and a community‑control sanction (a no-contact order) for the same offense.

The trial court’s recommendation that defendant complete mental‑health treatment and substance-abuse counseling while incarcerated was not a community-control sanction, but merely a recommendation.

The trial court failed to properly advise defendant of the terms of his postrelease control at the sentencing hearing; nevertheless, the court may correct this error by following the procedure set forth in R.C. 2929.191.

JUDGMENT: AFFIRMED IN PART, SENTENCE VACATED IN PART AND REVERSED IN PART, AND CAUSE REMANDED.

JUDGES: OPINION by CROUSE, J.; MYERS, P.J., and WINKLER, J., CONCUR.