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

STATE OF OHIO,	:	APPEAL NO. C-200203 TRIAL NO. B-1906379
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY.*
RONALD JOHNSON,	:	
Defendant-Appellant.	:	

The court sua sponte removes this case from the regular calendar and places it on the court's accelerated calendar, 1st Dist. Loc.R. 11.1.1(A), and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

In March of 2020, defendant-appellant Ronald Johnson pleaded guilty to a single count of domestic violence in violation of R.C. 2919.25. Although Mr. Johnson's domestic violence offense constituted an "offense of violence" not entitled to a presumption of community control, *see* R.C. 2929.13(B)(1), the trial court placed him on community control. It conditioned Mr. Johnson's community control on his compliance with a no-contact order between himself and the victim, Gayle Cordell (who is also Mr. Johnson's wife), and warned Mr. Johnson that he would be sentenced to 18 months in prison if he violated the order. Mr. Johnson later admitted to repeated violations of the no-contact order, beginning the very day of his release from pretrial detention. The trial court revoked Mr. Johnson's community control and imposed a sentence of 12 months.

In his sole assignment of error, Mr. Johnson asserts that "[w]here the record does not show that the defendant was not amenable to community control, the sentence must be vacated and the matter remanded for resentencing." He concedes that his sentence is not contrary to law under R.C. 2953.08(G)(2)(b), but argues that Ms. Cordell's mutual assent to violate the trial court's no-contact order reveals a lack of support in the record for the trial court's finding that incarceration was necessary. *See* R.C. 2953.08(G)(2)(a).

Mr. Johnson's R.C. 2953.08(G)(2)(a) challenge to his sentence is meritless. "Before a reviewing court can modify or vacate a felony sentence, it must clearly and convincingly find that the sentence is contrary to law or that the record does not support the trial court's findings." *State v. Hutcherson*, 1st Dist. Hamilton No. C-190627, 2020-Ohio-5321, ¶ 9. "Our review of whether a sentence is supported by the record under R.C. 2953.08(G)(2) is limited to the specific statutes enumerated in R.C. 2953.08(G)(2)(a), which include: R.C. 2929.13(B), R.C. 2929.13(D), R.C. 2929.14(B)(2)(e), R.C. 2929.14(C)(4), and R.C. 2929.20(I)." *State v. Harris,* 1st Dist. Hamilton No. C-190576, 2021-Ohio-371, ¶ 25, citing *State v. Jones*, Slip Opinion No. 2020-Ohio-6729, ¶ 31, 37. Mr. Johnson does not even attempt to argue that one of the enumerated statutes is at play here, nor have we identified any applicable statute in our own review. Accordingly, we have no basis to modify or vacate his felony sentence. *See Hutcherson* at ¶ 9; *Jones* at ¶ 42. Ms. Cordell's disagreement with the trial court's decision to impose a no-contact order does not render that order any less a condition of Mr. Johnson's community control. *See State v. Bell*, 66 Ohio App.3d 52, 57, 583 N.E.2d 414 (5th Dist.1990) ("The privilege of probation rests upon the probationer's compliance with the probation conditions and any violation of those conditions may properly be used to revoke the privilege."). Mr. Johnson admitted to

multiple, willful violations of the court's no-contact order, and the trial court imposed less than the initially-promised jail sentence. We overrule his sole assignment of error and affirm the judgment of the trial court.

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

ZAYAS, P.J., BOCK and **BERGERON, JJ.**

To the clerk:

Enter upon the journal of the court on April 21, 2021,
per order of the court_____.

Administrative Judge