

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

STATE OF OHIO,	:	APPEAL NO. C-220518
Plaintiff-Appellee,	:	TRIAL NO. B-2200672
vs.	:	<i>OPINION.</i>
CHRISTOPHER MICHELS,	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Reversed and Cause Remanded

Date of Judgment Entry on Appeal: May 3, 2023

Melissa A. Powers, Hamilton County Prosecuting Attorney, and *Sean M. Donovan*,
Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Thomas W. Kidd, for Defendant-Appellant.

ZAYAS, Judge.

{¶1} Christopher Michels appeals the three-year driver’s-license suspension imposed after a guilty plea to two counts of child endangerment. For the following reason, we reverse the trial court’s judgment and remand the cause for resentencing consistent with this opinion.

{¶2} Michels pled guilty to violating R.C. 2919.22(C)(1), which prohibits operating a vehicle in violation of R.C. 4511.19(A) while children under 18 are present in the car. R.C. 4511.19(A) prohibits operating a vehicle while under the influence of drugs or alcohol.

{¶3} For a violation of R.C. 2919.22(C)(1), the trial court may impose “a class seven suspension of the offender’s driver’s or commercial driver’s license or permit or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code.” R.C. 4510.02(A)(7) specifies a suspension for “a definite period not to exceed one year.”

{¶4} Here, the trial court imposed a three-year suspension which exceeds the range specified in R.C. 4510.02(A)(7). The state concedes the error.

{¶5} Accordingly, we sustain the assignment of error, reverse the imposition of the three-year driver’s-license suspension, and remand the cause to the trial court for resentencing with respect to the imposition of the license suspension. The trial court’s judgment is affirmed in all other respects.

Judgment reversed and cause remanded.

CROUSE, P.J., and KINSLEY, J., concur.

Please note:

The court has recorded its own entry this date.