

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

STATE OF OHIO,	:	APPEAL NO. C-220664
	:	TRIAL NO. B-1903561-A
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
LADD DUBOSE, SR.,	:	
	:	
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(C)(1), and this judgment entry is not an opinion of the court. See Rep.Op.R. 3.1; App.R. 11.1(E).

On March 11, 2020, defendant-appellant Ladd Dubose, Sr., pled guilty to one count of trafficking in a fentanyl-related compound and one count of having weapons while under a disability. He was sentenced to five years’ imprisonment with the possibility of up to three years of postrelease control following his release from prison. In his sole assignment of error, he argues that the trial court erred when it failed to notify him of his potential postrelease-control obligations during the sentencing hearing. The state concedes this error.

This court has previously held that a trial court is “required to notify the defendant at the sentencing hearing of the term of postrelease control, whether it is discretionary or mandatory, and the consequences of violating postrelease control.”

State v. Patrick, 1st Dist. Hamilton No. C-220049, 2022-Ohio-4171, ¶ 17. When a trial court fails to provide an offender with the required postrelease-control notifications during a sentencing hearing, the trial court may remedy the error by following the procedures set forth in R.C. 2929.191. *Id.* at ¶ 18. Under R.C. 2929.191(A)(1), when the trial court does not give an offender the proper notifications concerning postrelease control, “at any time before the offender is released from imprisonment under that term and at a hearing conducted in accordance with division (C) of this section, the court may prepare and issue a correction to the judgment of conviction that includes in the judgment of conviction the statement that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison.” Because the trial court failed to properly advise Dubose regarding the terms of his postrelease control, it may correct the error by following the terms of this procedure.

Dubose’s assignment of error is accordingly sustained. The postrelease-control portion of his sentence is reversed, and this case is remanded for the trial court to hold a notification-of-postrelease-control hearing in accordance with R.C. 2929.191.

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.

CROUSE, P.J., WINKLER and KINSLEY, JJ.

To the clerk:

Enter upon the journal of the court on August 2, 2023
per order of the court _____.

Presiding Judge