

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

IN RE J.H.	:	APPEAL NOS. C-240052
		C-240053
	:	C-240054
		C-240055
	:	TRIAL NOS. 23-2189-01 X
		23-2189-03 X
	:	23-2189-04 X
		23-2189-05 X
	:	
	:	<i>JUDGMENT ENTRY.</i>

The court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, 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); Loc.R. 11.1.

In the appeal numbered C-240052, which is from the juvenile case numbered 23-2189-05 X, J.H. challenges his disposition after being found delinquent for the offense of tampering with evidence, a felony of the third degree if committed by an adult. Both at the disposition hearing and in its judgment entry for this offense, the juvenile court committed J.H. to the Department of Youth Services for a minimum of 12 months up to age 21. The juvenile court later entered a nunc pro tunc entry adjusting the minimum commitment from 12 months to six months. The nunc pro tunc entry, however, did not reflect the dispositional order that the juvenile court imposed at the disposition hearing in that it altered the minimum term of commitment. The nunc pro tunc entry is therefore invalid, and we accordingly do not consider it. *See State v. Hendrix*, 1st Dist. Hamilton No. C-230310, 2024-Ohio-230, ¶ 16 (“A

nunc pro tunc entry may be used to correct a sentencing order, as long as the nunc pro tunc entry reflects what the court actually did, and is not an attempt to modify the court's judgment.”).

Pursuant to R.C. 2152.16(A)(1)(e), the minimum term of commitment for a juvenile found to be delinquent for an offense that would constitute a third-degree felony if committed by an adult is six months. The juvenile court therefore erred in committing J.H. to a minimum term of 12 months for tampering with evidence. The state concedes this error.

We accordingly vacate the disposition imposed and the nunc pro tunc order entered in the juvenile case numbered 23-2189-05 X and remand that matter to the juvenile court with instructions to enter a six-month minimum commitment to the Department of Youth Services. All other aspects of J.H.'s disposition remain unchanged.

With respect to the appeals numbered C-240053, C-240054, and C-240055, J.H. raises no assignments of error pertaining to these proceedings. These appeals are accordingly dismissed.

Costs shall be taxed under App.R. 24.

The court further orders that 1) a copy of this Judgment constitutes the mandate, and 2) the mandate be sent to the trial court for execution under App.R. 27.

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

To the clerk:

Enter upon the Journal of the Court on 8/9/2024 per Order of the Court.

By: _____
Administrative Judge