

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

STATE OF OHIO,	:	APPEAL NO. C-240227
	:	TRIAL NO. B-2400476
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
TERRY STANFORD,	:	
Defendant-Appellant.	:	

This 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.

On April 1, 2024, defendant-appellant Terry Stanford pleaded guilty to two charges: aggravated assault in violation of R.C. 2903.12(A)(1) and strangulation in violation of R.C. 2903.18(B)(2). The trial court imposed an agreed sentence of 24 months in prison. In addition, the judgment entry of sentence contained a prohibition against Stanford having contact with the victim or the victim's family. Stanford's sole assignment of error is confined to challenging this no-contact order.

Absent an express exception, a trial court cannot lawfully impose a prison term and a community-control sanction for the same offense. *State v. Anderson*, 2015-Ohio-2089, ¶ 31-32. A no-contact order is a community-control sanction. *Id.* at ¶ 17. Thus, the trial court was without legal authority to impose both a prison sentence and a no-contact order in this case. *See id.* at ¶ 32. The state concedes the error.

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We sustain Stanford's sole assignment of error and vacate the no-contact order. *See, e.g., State v. Patrick*, 2022-Ohio-4171, ¶ 20 (1st Dist.). The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

BOCK, P.J., ZAYAS and CROUSE, JJ.

To the clerk:

Enter upon the Journal of the Court on 8/30/2024 per Order of the Court.

By: _____

Administrative Judge