

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

STATE OF OHIO,	:	APPEAL NO. C-250009
	:	TRIAL NO. B-2303482
Plaintiff-Appellee,	:	
vs.	:	
	:	<i>JUDGMENT ENTRY</i>
DANTE OLVERSON,	:	
Defendant-Appellant.	:	

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, 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 February 2024, after a bench trial, the trial court found defendant-appellant Dante Olverson guilty of two counts of aggravated burglary, one of which was accompanied by a gun specification, and one count of having weapons while under a disability. At the sentencing hearing, the trial court initially announced an aggregate 11-to-13-and-a-half-year term of incarceration but subsequently announced an aggregate 11-to-12-year term. The sentencing entry reflected the originally-announced 11-to-13-and-a-half-year term in the Ohio Department of Rehabilitation and Correction.

On direct appeal, we affirmed Olverson’s convictions but reversed his aggregate sentence. *State v. Olverson*, 2024-Ohio-5583 (1st Dist.). On remand, the trial court again imposed an aggregate term of 11 to 13-and-a-half years in prison.

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Olverson initiated the instant appeal, raising three assignments of error. The second assignment, which challenges the trial court's failure to afford Olverson the right of allocution, is dispositive.

Allocution is personal to the defendant. *State v. McConnaughey*, 2021-Ohio-3320, ¶ 45 (1st Dist.). The right is encompassed by Crim.R. 32(A)(1), which requires the trial court to personally address defendants and inquire whether they wish to make a statement or present any information in mitigation of punishment. If a court imposes a sentence without first giving the defendant the opportunity to speak, resentencing is mandatory unless the error is invited or harmless. *Id.* at ¶ 46, citing *State v. Campbell*, 90 Ohio St.3d 320 (2000), paragraph three of the syllabus.

The sentencing transcript confirms that the trial court did not personally address Olverson and ask whether he wished to make a statement or present any mitigation information. Nor does the record suggest that Olverson invited the error, or that any circumstances rendered the error harmless. *See State v. Osume*, 2015-Ohio-3850, ¶ 24 (1st Dist.). The State concedes the error.

We sustain Olverson's second assignment of error, reverse Olverson's aggregate sentence and remand the cause for resentencing. The trial court's findings of guilt remain undisturbed, and the judgment is otherwise affirmed. Because we are remanding for a new sentencing hearing, Olverson's first and third assignments of error are moot and we do not address them. *State v. Gideon*, 2020-Ohio-6961, ¶ 26 (reasoning, "an assignment of error is moot when an appellant presents issues that are no longer live as a result of some other decision rendered by the appellate court"); *see* App.R. 12(A)(1)(c).

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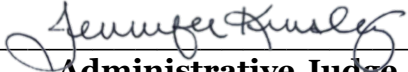
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The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

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

**To the clerk:**

**Enter upon the journal of the court on 6/27/2025 per order of the court.**

By:  \_\_\_\_\_  
**Administrative Judge**