

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

STATE OF OHIO,	:	APPEAL NO. C-250135
Plaintiff-Appellee,	:	TRIAL NO. B-2303501
vs.	:	
MICAH BRANCH,	:	<i>JUDGMENT ENTRY</i>
Defendant-Appellant.	:	

MOORE, Judge.

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.

Defendant-appellant Micah Branch appeals from the Hamilton County Court of Common Pleas' judgment revoking Branch's community control.

On August 1, 2023, Branch was indicted on four counts of importuning and one count of disseminating materials harmful to juveniles. On February 16, 2024, Branch entered into a plea agreement with the State, in which the court sentenced Branch to a five-year period of community control. Pursuant to Branch's plea agreement, Branch was classified as a Tier 1 sex offender. The court advised Branch that should he violate any terms of his community control, he would face up to 12 months in prison. The terms of Branch's community control included a prohibition against him having any electronic equipment with photographic capabilities without the prior approval of his probation officer, that he would access any social media accounts, that his parole

OHIO FIRST DISTRICT COURT OF APPEALS

officer would have access to his web accounts, and that Branch would ensure that he would not frustrate his parole officer's ability to review his internet usage. Additionally, Branch was prohibited from going to places that attract a large number of minors, like gyms.

On February 12, 2025, the court held a community-control-revocation hearing. The State alleged that Branch was cited for violating numerous terms of his community control, including possessing an unapproved cellular device, possessing social media apps and using private browsing, and that Branch's text messages indicated that he either intended to or had downloaded a VPN that would obfuscate his internet usage.

Branch's probation officer, Danielle Pizzuto, testified that while conducting a walkthrough of Branch's residence, she discovered Branch owned two cell phones with internet access. Branch had only disclosed one of the phones to Pizzuto. Pizzuto testified that both phones had social media apps, including Facebook, Instagram, and TikTok. Pizzuto also testified that Branch had utilized private browsing in violation of his community-control terms, and that he had failed to provide the correct login information for one of the phones. Pizzuto also testified that during an office meeting with Branch, he admitted to attending a gym. Pizzuto testified that Branch had done this without the proper supervision plan in place, and that such conduct violated the terms of his community control.

Branch admitted that he accessed an additional cellphone, that he had access to social media apps, and that he could not provide the accurate username and password for one of the accounts. Branch's sister testified that she had given him the second phone, and that while she normally had control over the passwords and accounts, her children had reset that phone's passwords.

OHIO FIRST DISTRICT COURT OF APPEALS

The court concluded that Branch violated Rule 1 and Rule 9 of his community control, sentenced Branch to 12 months' incarceration, and credited him with 149 days of time served. This appeal followed.

Branch insists that the court below abused its discretion in revoking his community control. We disagree. "Generally, once the court has found that a community-control violation exists, the court has discretion to revoke community control[.]" *State v. Dockery*, 2010-Ohio-2365, ¶ 13 (1st Dist.). A court abuses its discretion where it acts unreasonably, arbitrarily, or unconscionably. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

The trial court considered testimony from both Branch and Officer Pizzuto that Branch's conduct violated the terms of his community control. While Branch was a first-time offender, the court heard evidence of multiple violations. In light of the conduct presented before the court, we cannot conclude that the court abused its discretion in revoking Branch's community control, and we therefore overrule Branch's sole assignment of error. The judgment of the trial court is affirmed.

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., and NESTOR, J., concur.

To the clerk:

Enter upon the journal of the court on 9/19/2025 per order of the court.

By: 
Administrative Judge