

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

STATE OF OHIO,	:	APPEAL NO. C-250237
Plaintiff-Appellee,	:	TRIAL NO. B-2300857
vs.	:	
ROBERT HOGAN,	:	<i>JUDGMENT ENTRY</i>
Defendant-Appellant.	:	

KINSLEY, Presiding 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 Robert Hogan appeals the judgment of the Hamilton County Court of Common Pleas convicting him of three counts of rape in violation of R.C. 2907.02(A)(1)(b) and one count of pandering sexually oriented matter involving a minor or impaired person in violation of R.C. 2907.322(A)(1). Hogan pleaded guilty to the charges in exchange for the dismissal of 27 additional rape counts and four additional pandering counts. The parties agreed that Hogan would receive an aggregate sentence of 25-to-28-1/2 years in prison, and the trial court sentenced him accordingly.

Hogan raises two assignments of error on appeal. First, he contends that he did not knowingly, intelligently, and voluntarily plead guilty, because the trial court failed to advise him of the five statutory notifications required by the Reagan Tokes

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Law (“RTL”). “An appellate court determining whether a guilty plea was entered knowingly, intelligently, and voluntarily conducts a de novo review of the record to ensure that the trial court complied with the constitutional and procedural safeguards.” *State v. Mathews*, 2024-Ohio-1863, ¶ 13 (1st Dist.), citing *State v. Brigner*, 2015-Ohio-2526, ¶ 8 (4th Dist.).

A trial court is not required to provide RTL notifications during a plea colloquy. *See Mathews* at ¶ 20, citing *State v. Searight*, 2023-Ohio-3584, ¶ 6 (1st Dist.). Rather, RTL notifications are only mandated at the time of sentencing. *Id.* at ¶ 20. Therefore, we overrule Hogan’s first assignment of error.

In his second assignment of error, Hogan challenges the completeness of the RTL notifications the trial court provided at sentencing. More specifically, Hogan takes issue with the trial court’s notification under R.C. 2929.19(B)(2)(c)(iv), which requires a trial court to explain to a defendant that the Department of Rehabilitation and Correction may impose discretionary prison time “**more than one time**, subject to the limitation specified in section 2967.271 of the Revised Code[.]” (Emphasis added.) The trial court instead advised Hogan that “the Department may make the specified determinations and keep you in prison under the provisions described in Ohio law, subject to the limitations specified.” It did not notify Hogan that his sentence could be extended more than once.

“A trial court must advise a defendant of all five notifications set forth in R.C. 2929.19(B)(2)(c) at the sentencing hearing. The failure to advise the defendant of any of the five notifications constitutes an error, and a remand is necessary for the limited purpose of permitting the sentencing court to provide the mandatory notifications.” (Cleaned up.) *State v. Leonard*, 2024-Ohio-2817, ¶ 21 (1st Dist.). This specifically

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includes the provision allowing RTL procedures to be invoked more than once. *Id.* at ¶ 24.

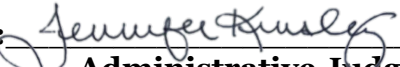
We therefore sustain Hogan’s second assignment of error, reverse the judgment of the trial court insofar as the trial court did not properly notify Hogan under R.C. 2929.19(B)(2)(c)(iv), and remand the cause for the limited purpose of allowing the trial court to issue corrected RTL notifications under this provision. We affirm the judgment of the trial court in all other respects.

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.

CROUSE and MOORE, JJ., concur.

To the clerk:

Enter upon the journal of the court on 11/14/2025 per order of the court.

By:  _____
Administrative Judge