

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

STATE OF OHIO,	:	APPEAL NO.	C-250615
	:	TRIAL NO.	B-2203987
Plaintiff-Appellee,	:		
vs.	:		
	:		<i>JUDGMENT ENTRY</i>
LEAH CONSTABLE,	:		
Defendant-Appellant.	:		

CROUSE, 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.

In October 2025, defendant-appellant Leah Constable pled guilty to a charge of theft in violation of R.C. 2913.02(A)(1), a felony of the fifth degree. Constable admitted to taking cash and merchandise without the owner’s permission while employed by Route 50 Bar and Grill. The trial court imposed a sentence of 12 months’ community control, \$1,000 in restitution, and remitted fines and costs. Constable’s sole assignment of error challenges the plea as not knowing, intelligent, and voluntary where the trial court failed to advise that the maximum sentence included a term of postrelease control and where the court misstated the maximum fine.

When reviewing a trial court’s acceptance of a guilty plea in a felony case, we independently review the record to assess whether the court followed the dictates of Crim.R. 11(C). *State v. Dailey*, 2024-Ohio-3166, ¶ 3 (1st Dist.), citing *State v. Kelley*,

57 Ohio St.3d 127, 128 (1991). In pertinent part, the trial court must inform the defendant of the maximum penalties, including postrelease control, to ensure that the plea is knowingly, intelligently, and voluntarily made. *See State v. Sarkozy*, 2008-Ohio-508, ¶ 22, 26. A trial court's complete failure to inform a defendant of mandatory postrelease control during the plea colloquy requires the vacation of the plea without the need for a prejudice analysis. *See id.* at ¶ 22.

Constable argues—and the State concedes—that reversal is warranted because the trial court entirely omitted any mention of postrelease control at the plea hearing. Because Constable pled guilty to a fifth-degree felony offense, a term of postrelease control was a component of the maximum sentence pursuant to R.C. 2929.14(D)(2) and 2967.28(C). Under *Sarkozy*, the failure to advise Constable regarding postrelease control prior to accepting her guilty plea constituted reversible error. *See id.*

Constable also correctly complains that the trial court misstated the maximum fine for her offense as \$5,000 rather than \$2,500. *See* R.C. 2929.18(A)(3)(e). However, our disposition of the appeal on the postrelease-control omission renders this argument moot. *See* App.R. 12(A)(1)(c).

Constable's sole assignment of error is sustained. The trial court's judgment is reversed and the cause is remanded for further proceedings.


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.

KINSLEY, P.J., and **BOCK, J.**, concur.

OHIO FIRST DISTRICT COURT OF APPEALS

To the clerk:

Enter upon the journal of the court on 5/22/2026 per order of the court.

By:  _____
Administrative Judge