

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
FULTON COUNTY

State of Ohio

Court of Appeals No. F-18-002

Appellee

Trial Court No. 17CR000128

v.

Nathanial L. Fuller

DECISION AND JUDGMENT

Appellant

Decided: December 21, 2018

* * * * *

Scott A. Haselman, Fulton County Prosecuting Attorney, for appellee.

Joseph J. Urenovitch, for appellant.

* * * * *

SINGER, J.

{¶ 1} Appellant, Nathanial L. Fuller, appeals from the February 22, 2018 judgment of the Fulton County Court of Common Pleas convicting him of failure to appear on personal recognizance bond, a violation of R.C. 2937.29 and 2937.99(A), a fourth-degree felony. Appellant was sentenced to three years of community control and a

reserved term of 12 months incarceration, to be served concurrently with the sentence imposed in Fulton C.P. No. 17CR000082. For the reasons which follow, we reverse.

{¶ 2} On appeal, appellant asserts the following assignments of error:

ASSIGNMENT OF ERROR NO. 1

Trial Court failed to make all necessary findings under R.C. 2929.14(C)(4) for the imposition of a consecutive sentence.

ASSIGNMENT OF ERROR NO. 2

Even if the trial Court had made the findings under R.C. 2929.14(C)(4) the record does not support the imposition of a consecutive sentence.

{¶ 3} In his first assignment of error, appellant argues as a matter of law that the trial court failed to make the findings required by R.C. 2929.14(C)(4) for imposing consecutive sentences.

{¶ 4} On appeal, we review, as a matter of law, whether the trial court complied with the statutory requirements of sentencing. R.C. 2953.08(G); *State v. Kubat*, 6th Dist. Sandusky No. S-13-046, 2015-Ohio-4062, ¶ 33. R.C. 2929.14(C)(4) requires that, before exercising its discretion to impose consecutive sentences, a trial court must make certain findings. Those findings must be included in the trial court's sentencing judgment. *State v. Beasley*, 153 Ohio St.3d 497, 2018-Ohio-493, 108 N.E.3d 1028, ¶ 252-253, citing *State v. Bonnell*, 140 Ohio St.3d 209, 2014-Ohio-3177, 16 N.E.3d 659, ¶ 37.

{¶ 5} In the case before us, appellee concedes and we also find the trial court failed to make the findings required by R.C. 2929.14(C)(4) at the sentencing hearing and did not include any findings in its sentencing judgment. Therefore, the imposition of consecutive sentences is contrary to law. We find appellant's first assignment of error well-taken. Consequently, the remaining assignment of error is rendered moot.

{¶ 6} Having found that the trial court did commit error prejudicial to appellant and that substantial justice has not been done, the judgment of the Fulton County Court of Common Pleas is reversed. This case is remanded to the lower court for resentencing. Appellee is ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment reversed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.
See also 6th Dist.Loc.App.R. 4.

Arlene Singer, J.

JUDGE

Thomas J. Osowik, J.

JUDGE

Christine E. Mayle, P.J.
CONCUR.

JUDGE

<p>This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.supremecourt.ohio.gov/ROD/docs/.</p>
