

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	No. 108233
	:	
v.	:	
	:	
DEBRA HAGER,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

**JUDGMENT: VACATED IN PART AND REMANDED
RELEASED AND JOURNALIZED: August 8, 2019**

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-17-621417-A

Appearances:

Mark A. Stanton, Cuyahoga County Public Defender, and
John T. Martin and Autumn Basil, Assistant Public
Defenders, *for appellant*.

Michael C. O'Malley, Cuyahoga County Prosecuting
Attorney, and Justin Washburne, Assistant Prosecuting
Attorney, *for appellee*.

EILEEN A. GALLAGHER, J.:

{¶ 1} Appellant Debra Hager was indicted by a Cuyahoga County Grand Jury charging multiple counts of both tampering with records and identity fraud. She entered pleas of guilty to the four counts of identity fraud which involved two

victims and was ultimately sentenced to 11 months in the Cuyahoga County Jail on each count, which were ordered to be served concurrent to one another, as well as to a sentence imposed in a second case. In addition, she was ordered, over objection, to pay restitution in the amounts of \$28,800 to one victim and \$6,000 to the other.

{¶ 2} Hager has appealed, setting forth one assignment of error, to-wit:

The trial court erred when it failed to hold a hearing despite the defense having objected to the amount of restitution ordered.

{¶ 3} In response to appellant's claim, the state of Ohio has conceded the error and admits that sufficient evidence was not provided to support the restitution order totaling \$34,800.

{¶ 4} This matter is remanded to the trial court to conduct a restitution hearing.

{¶ 5} Case is vacated in part and remanded to the lower court for further proceedings consistent with this opinion.

It is ordered that appellant recover from appellee the costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

**A certified copy of this entry shall constitute the mandate pursuant to Rule 27
of the Rules of Appellate Procedure.**

EILEEN A. GALLAGHER, JUDGE

**SEAN C. GALLAGHER, P.J., and
MICHELLE J. SHEEHAN, J., CONCUR**