

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 12AP-54
James Betsacon,	:	(C.P.C. No. 11CR-06-3251)
Defendant-Appellant.	:	(REGULAR CALENDAR)

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D E C I S I O N

Rendered on August 2, 2012

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*Ron O'Brien*, Prosecuting Attorney, *Michael P. Walton* and  
*Seth L. Gilbert*, for appellee.

*Donald Gallick*, for appellant.

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APPEAL from the Franklin County Court of Common Pleas

TYACK, J.

{¶ 1} James Betsacon is appealing from the sentence he received following his guilty pleas to misdemeanor charges of criminal trespassing and vandalism. He assigns four errors for our consideration:

[I.] THE TRIAL COURT'S CONDITION OF COMMUNITY CONTROL BANNING APPELLANT FROM ENTERING HIS HOME WHICH HE LAWFULLY OWNS IS VOID AB INITIO BECAUSE IT IS OVERBROAD.

[II.] THE TRIAL COURT'S CONDITION OF COMMUNITY CONTROL PROHIBITING APPELLANT FROM HAVING CONTACT WITH "VICTIM'S NEIGHBORHOOD" IS UNCONSTITUTIONALLY VAGUE AND OVERBROAD.

[III.] THE TRIAL COURT VIOLATED THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION WHEN IT ORDERED APPELLANT TO NOT ENTER THE HOME AND PERSONAL RESIDENCE OWNED BY APPELLANT FOR FIVE YEARS.

[IV.] THE TRIAL COURT'S IMPOSITION OF A FINE WAS VOID AB INITIO WHEN THE COURT ORDERED APPELLANT TO PAY A "FINE IN THE AMOUNT OF \$1,000.00 TODAY TO CARLTON WEDDINGTON."

{¶ 2} Betsacon was originally charged with burglary as a felony of the second degree and vandalism as a felony of the fifth degree. He entered into a plea bargain which changed his potential sentence from incarceration in a state prison for as much as nine years to incarceration in a county jail for at most one year.

{¶ 3} One of the very clear conditions of his plea bargain was that he would have no further contact with his former neighborhood where the crimes occurred. Having made that agreement, he cannot renege on that agreement after he has received the enormous benefit he received.

{¶ 4} Further, any alleged error in regard to his sentencing is an error sought by Betsacon and his trial counsel. Betsacon sought out the result he got and, once again, cannot complain about that result on direct appeal. In legal terminology, any alleged error is invited error which will not be overturned on appeal.

{¶ 5} The first, second, and third assignments of error are overruled.

{¶ 6} As to the fourth assignment of error, the trial court has corrected the entry originally journalized. Anyone at all familiar with the criminal court system knows that fines are paid to the clerk of courts, while restitution is paid to a crime victim. The trial court did not take note of the mistake in the sentencing entry at the time the judge signed the original sentencing entry, but corrected it promptly. The corrected entry renders the fourth assignment of error moot.

{¶ 7} As a result, we overrule the first, second and third assignments of error. We render the fourth assignment of error moot. We, therefore, affirm the sentence of the Franklin County Court of Common Pleas as set forth in the correct journal entry.

*Judgment affirmed.*

KLATT and CONNOR, JJ., concur.

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