

[Cite as *State v. Payne*, 2012-Ohio-3976.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
	:	
Plaintiff-Appellee,	:	
	:	No. 12AP-128
v.	:	(C.P.C. No. 03CR-08-5424)
	:	
Ronald D. Payne,	:	(REGULAR CALENDAR)
	:	
Defendant-Appellant.	:	

D E C I S I O N

Rendered on August 30, 2012

Ron O'Brien, Prosecuting Attorney, and *Steven L. Taylor*, for appellee.

Ronald D. Payne, pro se.

APPEAL from the Franklin County Court of Common Pleas.

FRENCH, J.

{¶ 1} Defendant-appellant, Ronald D. Payne ("appellant"), appeals the judgment of the Franklin County Court of Common Pleas, which denied his motion for a new sentencing hearing. For the following reasons, we affirm.

I. BACKGROUND

{¶ 2} In April 2005, appellant pleaded guilty to aggravated burglary, kidnapping, rape, and felonious assault. At the plea hearing, the court told appellant that he would be on post-release control for five years after he is released from prison and that he could be re-imprisoned for violating the conditions of post-release control.

Appellant also signed a plea form indicating that he understood he would be on post-release control for five years and that he was aware of the sanctions for violating post-release control conditions. During sentencing, the court discussed post-release control with appellant, and information about post-release control was contained in a notice of imprisonment form that appellant signed. Finally, in the sentencing entry, the court stated that it notified appellant of "the applicable periods of post-release control." (April 28, 2005 Judgment Entry, 2.)

{¶ 3} On June 2, 2010, appellant filed a motion for a new sentencing hearing. He argued that the post-release control part of his sentence is void because it was not imposed properly. The trial court denied the motion.

II. ASSIGNMENT OF ERROR

{¶ 4} Appellant filed a timely notice of appeal and now assigns the following as error:

The trial court erred when it denied [appellant] a new sentencing hearing to correct a void sentence.

III. DISCUSSION

{¶ 5} In his single assignment of error, appellant argues that the trial court erred by denying his motion for a new sentencing hearing. We disagree.

{¶ 6} Appellant contends that he is entitled to a new sentencing hearing because post-release control was not properly imposed when he was sentenced in 2005. The trial court had to notify appellant about post-release control when it sentenced him to prison, and it was required to incorporate the notice in the sentencing entry. *See State v. Williams*, 10th Dist. No. 08AP-1090, 2009-Ohio-3233, ¶ 7. This court previously concluded that post-release control was properly imposed when (1) the trial court orally informed the defendant about post-release control, (2) the defendant signed a plea form and notice of imprisonment discussing post-release control, and (3) the sentencing entry stated that the defendant was informed of the applicable period of post-release control. *State v. Nooks*, 10th Dist. No. 10AP-1033, 2011-Ohio-4104, ¶ 9-12.

{¶ 7} Here, the trial court notified appellant about post-release control when it accepted his plea and sentenced him to prison. Appellant signed a plea form and notice

of imprisonment discussing post-release control. And, the sentencing entry states that appellant was notified of the applicable period of post-release control. Consequently, pursuant to *Nooks*, the trial court properly imposed post-release control as a part of appellant's sentence. Therefore, the trial court did not err by denying appellant's motion for a new sentencing hearing, and we overrule his single assignment of error.

IV. CONCLUSION

{¶ 8} Having overruled appellant's single assignment of error, we affirm the judgment of the Franklin County Court of Common Pleas.

Judgment affirmed.

BROWN, P.J., and KLATT, J., concur.
