

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY, OHIO**

STATE OF OHIO,	:	O P I N I O N
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2019-P-0027
MATTHEW M. LUSANE,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Portage County Municipal Court, Ravenna Division, Case No. 2005 TRC 11364 R.

Judgment: Reversed and remanded.

Victor V. Vigluicci, Portage County Prosecutor, and *Pamela A. Holder*, Assistant Prosecutor, 241 South Chestnut Street, Ravenna, Ohio 44266 (For Plaintiff-Appellee).

Matthew Lusane, A660-925, Trumbull Correctional Institution, 5701 Burnett Road, P.O. Box 640, Leavittsburg, Ohio 44430 (Defendant-Appellant).

THOMAS R. WRIGHT, P.J.

{¶1} Appellant, Matthew M. Lusane, appeals the denial of his motion to revise his sentencing judgment. As asserted, the trial court has not issued a single judgment setting forth both the fact of conviction and sentence.

{¶2} The trial court noted on the case file jacket that appellant plead guilty to operating a vehicle while intoxicated. That notation is time-stamped but not signed and does not find appellant guilty. Separately, in a judgment entry, the trial court imposed a

thirty-day jail term, suspended appellant's driver's license for two years, and fined him \$550 and court costs. That judgment does not find appellant guilty.

{¶3} Appellant appeals the denial of his motion to issue a single judgment setting forth the fact of conviction and sentence:

{¶4} "The trial court abused its discretion by denying defendant-appellant's motion to revise the 2005 sentencing journal entry where it fails to comply with Crim.R. 32(C)."

{¶5} Appellant is entitled to, but did not receive, a single entry setting forth the fact of conviction and sentence. Crim.R. 32(C); *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142, paragraph one of the syllabus. Failure to grant his motion constitutes reversible error. *State ex rel. Daniels v. Russo*, 156 Ohio St.3d 143, 2018-Ohio-5194, 123 N.E.3d 1011.

{¶6} Accordingly, the trial court's judgment is reversed and remanded.

CYNTHIA WESTCOTT RICE, J.,

MARY JANE TRAPP, J.

concur.