

[Cite as *State v. Taylor*, 2015-Ohio-3130.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
WASHINGTON COUNTY

STATE OF OHIO, :
 :
Plaintiff-Appellee, : Case No. 14CA23
 :
vs. :
 :
COLTON TAYLOR, : DECISION AND JUDGMENT ENTRY
Defendant-Appellant. :

APPEARANCES:

COUNSEL FOR APPELLANT: Brian A. Smith, 503 West Park Avenue, Barberton, Ohio
44203
COUNSEL FOR APPELLEE: James E. Schneider, Washington County Prosecuting
Attorney, and Alison L. Cauthorn, Washington County
Assistant Prosecuting Attorney, 205 Putnam Street,
Marietta, Ohio 45750

CRIMINAL APPEAL FROM COMMON PLEAS COURT
DATE JOURNALIZED: 7-2-15
ABELE, J.

{¶ 1} This is an appeal from a Washington County Common Pleas Court judgment of conviction and sentence. Colton Taylor, defendant below and appellant herein, pled guilty to two amended counts of aggravated assault in violation of R.C. 2903.12. The trial court sentenced appellant to serve seventeen months in prison for each count, and further ordered that the sentences be served consecutively to each other.

{¶ 2} Appellant assigns the following errors for review:

FIRST ASSIGNMENT OF ERROR:

"THE RECORD DOES NOT SUPPORT THE TRIAL COURT'S IMPOSITION OF CONSECUTIVE SENTENCES UPON APPELLANT."

SECOND ASSIGNMENT OF ERROR:

"THE RECORD DOES NOT SUPPORT THE TRIAL COURT'S IMPOSITION OF 17-MONTH SENTENCES, ON EACH COUNT, UPON APPELLANT."

{¶ 3} Appellant asserts that the record in the case sub judice does not support the trial court's findings under R.C. 2929.14(c). In particular, appellant argues that the trial court did not fully consider and discuss, inter alia, the R.C. 2929.14(c) factors, the victims' specific injuries, the appellant's criminal record, and the various factors that make the likelihood of recidivism less likely.

{¶ 4} The State of Ohio, plaintiff below and appellee herein, concedes error in its appellate brief regarding both assignments of error. Noting that the change of plea hearing has not been fully transcribed, and further noting that portions of the presentence investigation report are illegible, the appellee concedes that the record, as it presently exists, does not support the imposition of either consecutive sentences or the imposition of seventeen month sentences for each count.

{¶ 5} Accordingly, based upon the foregoing reasons, we hereby reverse the trial court's sentencing order and remand this matter to the trial court for a full consideration of appropriate sentencing factors and re-sentencing.

JUDGMENT REVERSED AND THE
CAUSE REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT WITH

THIS OPINION.

JUDGMENT ENTRY

It is ordered the judgment be reversed and the cause remanded for further proceedings consistent with this opinion. Appellee shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Washington County Common Pleas Court to carry this judgment into execution.

If a stay of execution of sentence and release upon bail has been previously granted, it is continued for a period of sixty days upon the bail previously posted. The purpose of said stay is to allow appellant to file with the Ohio Supreme Court an application for a stay during the pendency of the proceedings in that court. The stay as herein continued will terminate at the expiration of the sixty day period.

The stay will also terminate if appellant fails to file a notice of appeal with the Ohio Supreme Court in the forty-five day period pursuant to Rule II, Sec. 2 of the Rules of Practice of the Ohio Supreme Court. Additionally, if the Ohio Supreme Court dismisses the appeal prior to the expiration of said sixty days, the stay will terminate as of the date of such dismissal.

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

Hoover, P.J. & Harsha, J.: Concur in Judgment & Opinion

For the Court

BY: _____
Peter B. Abele, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.