

COURT OF APPEALS  
ASHLAND COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

vs.

SAJOY YATES

Defendant-Appellant

: JUDGES:  
: Hon. William B. Hoffman, P.J.  
: Hon. Sheila G. Farmer, J.  
: Hon. Julie A. Edwards, J.  
:  
:  
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: Case No. 03COA049  
:  
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: OPINION

CHARACTER OF PROCEEDING: Appeal from the Court of Common Pleas,  
Case No. 03CRI014

JUDGMENT: Reversed and remanded

DATE OF JUDGMENT ENTRY: March 18, 2004

APPEARANCES:

For Plaintiff-Appellee

CHRISTOPHER R. TUNNELL  
307 Orange Street  
Ashland, OH 44805

For Defendant-Appellant

DOUGLAS A. MILHOAN  
610 Market Avenue North  
Canton, OH 44702

*Farmer, J.*

{¶1} On February 26, 2003, the Ashland County Grand Jury indicted appellant, Sajoy Yates, on two counts of assault in violation of R.C. 2903.13. A jury trial commenced on July 10, 2003. The jury found appellant guilty as charged. By judgment entry filed August 18, 2003, the trial court sentenced appellant to the maximum sentence of twelve months on each count, to be served consecutively, for a total aggregate term of twenty-four months.

{¶2} Appellant filed an appeal and this matter is now before this court for consideration. Assignment of error is as follows:

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{¶3} "THE IMPOSITION OF CONSECUTIVE SENTENCES IS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE AND CONTRARY TO THE LAW."

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{¶4} Appellant challenges the trial court's consecutive sentences as being against the manifest weight of the evidence and contrary to law.

{¶5} In its brief at 6, appellee concedes the sentences do not meet the following mandates of *State v. Comer*, 99 Ohio St.3d 463, 2003-Ohio-4165, syllabus:

{¶6} "1. Pursuant to R.C. 2929.14(E)(4) and 2929.19(B)(2)(c), when imposing consecutive sentences, a trial court is required to make its statutorily enumerated findings and give reasons supporting those findings at the sentencing hearing.

{¶7} The matter is reversed and remanded to the trial court for resentencing pursuant to *Comer*, supra.

{¶8} The sole assignment of error is granted.

{¶9} The judgment of the Court of Common Pleas of Ashland County, Ohio is hereby reversed and remanded.

By Farmer, J.

Hoffman, P.J. and

Edwards, J. concur.