

[Cite as *State v. Hoffer*, 2004-Ohio-3053.]

COURT OF APPEALS
ASHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-VS-

WILLIAM H. HOFFER

Defendant-Appellant

JUDGES:

Hon. W. Scott Gwin, P.J.

Hon. William B. Hoffman, J.

Hon. Sheila G. Farmer, J.

Case No. 03COA065

O P I N I O N

CHARACTER OF PROCEEDING:	Appeal from the Ashland Court of Common Pleas, Case NO. 03CRI091C
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JUDGMENT:	Reversed and Remanded
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DATE OF JUDGMENT ENTRY:	June 9, 2004
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APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

ROBERT P. DESANTO
Ashland County Prosecutor
Orange Tree Square, Ste. 307

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

Ashland, Ohio 44805

Hoffman, J.

{¶1} Defendant-appellant William H. Hoffer appeals his sentence rendered by the Ashland County Court of Common Pleas and entered via Judgment Entry-Sentencing on November 18, 2003. The State of Ohio is plaintiff-appellee.

STATEMENT OF THE CASE

{¶2} Appellant pled guilty to one count breaking and entering and one count of theft. The trial court sentenced appellant to twelve months on each count to be served consecutively.

{¶3} The trial court memorialized its sentence via Judgment Entry-Sentencing on November 18, 2003. It is from that entry appellant prosecutes his appeal, assigning as error:

{¶4} “I. THE IMPOSITION OF CONSECUTIVE SENTENCES IS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE AND CONTRARY TO THE LAW.”

{¶5} Herein, appellant asserts the trial court failed to make two of the requisite findings for imposition of consecutive sentences as required by R.C. 2929.14(E). First, appellant contends the trial court failed to find consecutive sentences are not disproportionate to the seriousness of the offender's conduct. Second, appellant contends the trial court failed to find consecutive sentences are not disproportionate to the danger the offender poses to the public.

{¶6} Appellee concedes the trial court failed to make the requisite findings under R.C. 2929.14(E). Accordingly, we reverse the trial court's sentence and remand this matter for resentencing . See *State v. Comer* (2003), 99 Ohio St.3d 463.

By: Hoffman, J.

Gwin, P.J. and

Farmer, J. concur

JUDGES IN THE
COURT OF APPEALS FOR ASHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

WILLIAM H. HOFFER

Defendant-Appellant

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JUDGMENT ENTRY

Case No. 03COA065

For the reason stated in our accompanying Memorandum-Opinion, the judgment of the Ashland County Court of Common Pleas is reversed and the matter remanded to that court for resentencing. Costs assessed to appellee.

JUDGES