

[Cite as *State v. Dues*, 2003-Ohio-4402.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 82093

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	JOURNAL ENTRY
	:	
vs.	:	and
	:	
	:	OPINION
MAURICE DUES	:	
	:	
Defendant-Appellant	:	

DATE OF ANNOUNCEMENT
OF DECISION:

August 21, 2003

CHARACTER OF PROCEEDING:

Criminal appeal from
Common Pleas Court
Case No. CR-426531

JUDGMENT:

SENTENCE VACATED AND
REMANDED FOR RESENTENCING

DATE OF JOURNALIZATION:

APPEARANCES:

For Plaintiff-Appellee:

WILLIAM D. MASON
Cuyahoga County Prosecutor
PATRICK S. LEARY, Assistant
1200 Ontario Street
Cleveland, Ohio 44113

For Defendant-Appellant:

JOHN T. CASTELE
2401 Superior Viaduct
Cleveland, Ohio 44113

ANTHONY O. CALABRESE, JR., J:

{¶1} Pursuant to R.C. 2929.19(B)(3), the trial court has a mandatory duty at the

sentencing hearing to notify the defendant that he is subject to post-release controls. *State v. Rashad* (Nov. 8, 2001), Cuyahoga App. No. 79051. The record indicates, and the parties agree, that the trial court failed to comply with this mandatory requirement. We, therefore, vacate the sentence imposed and remand this case for resentencing.

This cause is vacated and remanded to the lower court for further proceedings consistent with this opinion.

It is, therefore, considered that said appellant recover of said appellee costs herein.

It is ordered that a special mandate be sent to the Cuyahoga County Court of Common Pleas to carry this judgment into execution.

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

ANTHONY O. CALABRESE, JR.
JUDGE

KENNETH A. ROCCO, A.J. and

ANN DYKE, J. CONCUR.

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per

App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also, S.Ct.Prac.R. II, Section 2(A)(1).