[Cite as *State v. Gibson*, 2026-Ohio-4508.]

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-260113 TRIAL NO. B-2505588
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY*
ANTHONY GIBSON,	:	
Defendant-Appellant.	:	

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 11/13/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By:_____
Administrative Judge

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STATE OF OHIO,	:	APPEAL NO. C-260113 TRIAL NO. B-2505588
Plaintiff-Appellee,	:	
vs.	:	*O P I N I O N*
ANTHONY GIBSON,	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: November 13, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Ronald W. Springman, Jr.,* Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Bryan R. Perkins, for Defendant-Appellant.

CROUSE, Judge.

{¶1} Defendant-appellant Anthony Gibson appeals from the trial court's judgment convicting him of possession of cocaine and sentencing him to a three-year period of community control that included 180 days in the Hamilton County Justice Center.

{¶2} In a single assignment of error, Gibson argues that (1) the trial court erred by imposing the functional equivalent of a split sentence when it sentenced him to both 180 days in jail and a period of community control for the same offense, and (2) his due-process rights were violated when the trial court imposed what he alleges was effectively a minimum prison sentence plus three years of community control, without advising him that this was a possibility. Because a trial court is authorized to sentence an offender to up to six months in jail as a community-control sanction, and because neither Gibson's substantive nor procedural due-process rights were violated, we find his arguments to be without merit and affirm the trial court's judgment.

I. Factual and Procedural History

{¶3} Gibson was indicted for trafficking in cocaine, a fourth-degree felony in violation of R.C. 2925.03(A)(2), and possession of cocaine, a fifth-degree felony in violation of R.C. 2925.11(A). In exchange for Gibson's guilty plea to the possession charge, the trafficking charge was dismissed.

{¶4} At the sentencing hearing, the trial court sentenced Gibson to a three-year period of community control. The court initially told Gibson that the community control would include 180 days in the Hamilton County Justice Center, "no two-for-ones, no three-for-ones," and that the court wanted him to go to the county's River City facility. The court expressed a belief that Gibson could receive substance-abuse treatment and job training at River City. Gibson's counsel told the court that Gibson

adamantly did not want to go to River City and would rather serve the 180 days at the Justice Center. The trial court then revised the sentence and removed the portion of it referring Gibson to River City, instead sentencing Gibson to 180 days in the Justice Center with eligibility "for two-for-ones or three-for-ones work details."

{¶5} Gibson now appeals

II. Analysis

{¶6} In his sole assignment of error, Gibson argues that the trial court erred by imposing the functional equivalent of a split sentence when it sentenced him to both 180 days in jail and three years of community control for the same offense, and that his due-process rights were violated by the imposition of this sentence.

{¶7} Pursuant to R.C. 2953.08(G)(2), we may only modify or vacate a felony sentence if we clearly and convincingly find that the record does not support the trial court's sentencing findings under certain specified divisions or if we find that the sentence is otherwise contrary to law. *See State v. Truesdell*, 2024-Ohio-5376, ¶ 72 (1st Dist.).

A. A Split Sentence was not Imposed

{¶8} A split sentence, which involves the imposition of both a prison term and a community-control sanction for the same offense, is not authorized by law. *State v. Paige*, 2018-Ohio-813, ¶ 6.

{¶9} Gibson was sentenced to a jail term, not a prison term. The terms "jail" and "prison" are not synonymous. *State v. Woods*, 2026-Ohio-351, ¶ 7 (8th Dist.). Jail means "a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state." R.C. 2929.01(R). Prison, on the other hand, means "a residential facility used for the confinement of

convicted felony offenders that is under the control of the department of rehabilitation and correction." *Id.* at (AA).

{¶10} Pursuant to R.C. 2929.16(A)(2), the trial court is specifically authorized to sentence an offender to up to six months in jail as a community-control sanction. Multiple courts, including this district, have upheld the imposition of a jail term as a community-control sanction. In *State v. Cannon*, 2025-Ohio-5729, ¶ 12 (1st Dist.), we held that the trial court "was authorized to impose community control for three years *and* a jail term of up to six months." (Emphasis added.) *See also Woods* at ¶ 8 (holding that imposition of a one-year period of community control with a 30-day jail sentence was not a split sentence and was authorized by law); *State v. Lemaster*, 2003-Ohio-4415, ¶ 12 (3d Dist.) (holding that "[a] 'jail' sentence is part of a community control sentence and is not a 'prison' sentence," and that the trial court did not err in imposing a 60-day jail term as part of the offender's community control).

{¶11} We accordingly hold that the trial court was authorized by law to include a period of 180 days in the Justice Center as a condition of Gibson's community control, and that it did not impose the functional equivalent of a split sentence.

B. No Due-Process Violation

{¶12} Gibson further argues under this assignment of error that his due-process rights were violated when he was sentenced to what effectively amounted to a minimum prison sentence for a fifth-degree felony along with three years of community control without being advised that this was a potential sentence.

{¶13} On first glance, this seems like a challenge to the voluntariness of the guilty plea entered by Gibson, but he plainly states in his appellate brief that he is not claiming his plea is involuntary and that he is not seeking to have his plea vacated.

{¶14} Gibson offers little argument in support of his assertion that his due-

process rights were violated, stating only that the sentencing proceedings were "fundamentally unfair." He does not specify if he is raising a substantive or procedural due-process argument.

{¶15} To the extent that Gibson is raising a procedural due-process challenge, his argument lacks merit. "[P]rocedural due process demands that, where the state infringes on protected liberty or property interests, the offender has a right to notice and an opportunity to be heard in a meaningful and timely manner." *State v. Guyton*, 2022-Ohio-2962, ¶ 38 (1st Dist.). Gibson asserts that he "has a legitimate interest in the character of the procedure which leads to the imposition of sentence even if he may have no right to object to a particular result of the sentencing process."

{¶16} The record does not reflect that Gibson was denied a meaningful opportunity to be heard before sentence was imposed. In fact, it demonstrates the opposite. The trial court initially told Gibson that his community control would include a referral to River City. But when Gibson expressed that he adamantly did not want to go to River City, the court revised the sentence to remove the River City component. Under these circumstances, Gibson's right to procedural due process was not violated.

{¶17} To the extent that Gibson is raising a substantive due-process challenge, his argument is also without merit. "Substantive due process 'forbids the government to infringe certain fundamental liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest.'" (Cleaned up.) *In re Raheem L.*, 2013-Ohio-2423, ¶ 7 (1st Dist.), quoting *Reno v. Flores*, 507 U.S. 292, 302 (1993). Where the trial court imposed a sentence authorized by law, Gibson has not established that any liberty interest has been infringed upon and his right to substantive due process was not violated.

{¶18} We therefore overrule Gibson's assignment of error and affirm the trial court's judgment.

Judgment affirmed.

ZAYAS, P.J., and **BOCK, J.,** concur.