[Cite as *State v. Holloman*, 2026-Ohio-4590.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	No. 26AP-332 (C.P.C. No. 24CR-4191)
v.	:	(REGULAR CALENDAR)
Martin L. Holloman,	:	
Defendant-Appellant.	:	

D E C I S I O N

Rendered on November 19, 2026

On brief: *Shayla D. Favor*, Prosecuting Attorney, and *Jeffrey D. Devereaux*, for appellee. **Argued:** *Jeffrey D. Devereaux*.

On brief: *Flannery | Georgalis, LLC*, and *Dominick A. Kocak*, for appellant. **Argued:** *Dominick A. Kocak*.

APPEAL from the Franklin County Court of Common Pleas

EDELSTEIN, J.

{¶ 1} Defendant-appellant, Martin L. Holloman, appeals from the March 19, 2026 judgment entry of the Franklin County Court of Common Pleas revoking his community control and sentencing him to a 12-month prison term to be served consecutive to his 5-year prison sentence for convictions in Delaware County. For the following reasons, we reverse and remand this matter to the trial court for further proceedings consistent with this decision and the controlling law.

I. FACTS AND PROCEDURAL BACKGROUND

{¶ 2} On July 26, 2024, a Franklin County Grand Jury indicted Mr. Holloman with one count of robbery, in violation of R.C. 2911.02, a felony of the third degree, and one count

of theft, in violation of R.C. 2913.02, a felony of the fifth degree. We need not belabor the nature of these offenses, as it is not relevant to the issue before us in this case.

{¶ 3} Mr. Holloman originally entered a plea of not guilty. However, on the morning of the scheduled trial, while represented by his court-appointed attorney, Mr. Holloman elected to withdraw his plea of not guilty and enter into a negotiated plea agreement with plaintiff-appellee, the State of Ohio. Specifically, the plea agreement provided that in exchange for pleading guilty to the fifth-degree felony theft offense charged as Count 2 of the indictment, the state would move to dismiss the robbery count.

{¶ 4} On December 3, 2024, the trial court accepted Mr. Holloman's guilty plea and proceeded to sentencing. Following remarks from the prosecutor, defense counsel, and Mr. Holloman, the trial court sentenced Mr. Holloman to 12 months in prison, awarded 49 days of jail-time credit, and suspended the remainder of his prison term for 5 years of community control with "direct placement to the risk reduction docket." (Dec. 3, 2024 Tr. at 18-19.) After announcing the terms and conditions of his community control, the trial court repeatedly informed Mr. Holloman of its intention to "put [him] in prison for 12 months" if he "pick[ed] up any sort of criminal offense." (*See* Dec. 3, 2024 Tr. at 19-20.)

{¶ 5} Mr. Holloman's conviction and sentence were memorialized in the trial court's December 3, 2024 judgment entry. The court's entry stated, in relevant part, as follows: "After the imposition of Community Control, the Court, pursuant to R.C. 2929.19(B)(5) notified the Defendant, orally and in writing, what may happen if **he** violates Community Control. The Court further indicated that if the Defendant violates Community Control **he** will receive a prison term of **Twelve (12) Months on Count Two**, to be served at the Ohio Department of Rehabilitation and Correction." (Emphasis in original.) (Dec. 3, 2024 Jgmt. Entry at 2.)

{¶ 6} On February 12, 2026, a Franklin County probation officer filed a statement of violations seeking revocation of community control. Among other things, the statement alleged Mr. Holloman violated the terms of his community control by committing multiple thefts and failing to comply with an order or signal of an officer in January 2025. As a result of that conduct, Mr. Holloman was charged in the Delaware County Court of Common Pleas with multiple felony and misdemeanor offenses. The statement further alleged that, on August 28, 2025, Mr. Holloman was convicted of multiple felony and misdemeanor counts

in the Delaware County case and sentenced to a five-year prison term, with an expected release date of January 14, 2030.

{¶ 7} The trial court conducted a revocation hearing on March 19, 2026. At the hearing, defense counsel stipulated to probable cause and admitted to the violations. (Mar. 19, 2026 Tr. at 2-3.) The court found Mr. Holloman in violation of his community control and proceeded to address mitigation. Following the arguments of counsel, the court revoked Mr. Holloman's community control and imposed the original sentence of 12 months in prison, with 109 days of jail-time credit, to run ***consecutive*** to the five-year prison term imposed in Delaware C.P. case No. 25CRI-050337. (Mar. 19, 2026 Tr. at 5-6.) Defense counsel did not object or present any arguments regarding the propriety of imposing that sentence consecutive to the Delaware County case.

{¶ 8} The trial court memorialized its revocation findings and imposition of the suspended 12-month prison term "to run consecutive to sentence imposed in Delaware County Case No. 2025 CRI 050337" in its March 19, 2026 judgment entry. (Emphasis omitted.) (Revocation Entry at 1.)

{¶ 9} Mr. Holloman now appeals from that judgment and raises the following two assignments of error for our review:

> [I.] THE TRIAL COURT ERRED BY SENTENCING MR. HOLLOMAN TO A CONSECUTIVE SENTENCE WHEN THE TRIAL COURT NEVER WARNED MR. HOLLOMAN THAT A CONSECUTIVE SENTENCE WAS A POSSIBILITY.
>
> [II.] THE TRIAL COURT PLAINLY ERRED BY NOT AWARDING JAIL TIME CREDIT TO MR. HOLLOMAN FOR TIME MR. HOLLOMAN SPENT IN JAIL AFTER A HOLDER WAS PLACED ON HIM.

(Appellant's Brief at iv.)

II. ANALYSIS

{¶ 10} In his first assignment of error, Mr. Holloman contends the trial court plainly erred in imposing the 12-month revocation sentence to be served consecutively to his sentence in the Delaware County case. Specifically, Mr. Holloman asserts the Supreme Court of Ohio's decision in *State v. Jones*, 2022-Ohio-4485 and this court's binding precedent prevent a trial court from imposing consecutive prison terms following

community control revocation if a defendant has not been previously notified of the possibility of consecutive sentences. For the following reasons, we agree.

A. Standard of Review

{¶ 11} "The court hearing an appeal [of a felony sentence] shall review the record, including the findings underlying the sentence or modification given by the sentencing court." R.C. 2953.08(G)(2). "The appellate court may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing court for resentencing . . . if it clearly and convincingly finds either . . . [t]hat the record does not support the sentencing court's findings under division . . . (C)(4) of section 2929.14 [to impose consecutive sentences]" or "[t]hat the sentence is . . . contrary to law." R.C. 2953.08(G)(2)(a) and (b); *State v. Marcum*, 2016-Ohio-1002, ¶ 1. The phrase " 'otherwise contrary to law' " means " ' "in violation of statute or legal regulations at a given time." ' " *State v. Bryant*, 2022-Ohio-1878, ¶ 22, quoting *State v. Jones*, 2020-Ohio-6729, ¶ 34, quoting *Black's Law Dictionary* (6th Ed. 1990). It follows, then, that a sentencing decision is contrary to law when it manifestly ignores an issue or factor that a statute requires a court to consider. *See, e.g.*, *State v. Nichter*, 2016-Ohio-7268, ¶ 16, fn. 1 (10th Dist.), quoting *State v. English*, 2015-Ohio-1665, ¶ 21 (2d Dist.), quoting *State v. Lofton*, 2004-Ohio-169, ¶ 11 (2d Dist.).

{¶ 12} Mr. Holloman did not object to the trial court's imposition of a consecutive prison sentence at the March 19, 2026 community control revocation and sentencing hearing on the grounds that the trial court failed to advise him of the possibility of consecutive sentences at the initial sentencing hearing. He also did not object to the trial court's failure to award jail-time credit for time spent in the Delaware County Jail on a Franklin County holder. Thus, both of his assignments of error are subject to plain-error review.

{¶ 13} Plain error affecting substantial rights may be noticed even if not brought to the attention of the trial court. Crim.R. 52(B). To establish plain error, Mr. Holloman must show there was an error, the error was obvious, and there is a reasonable probability that the error affected the outcome of the trial. *State v. Bailey*, 2022-Ohio-4407, ¶ 8. Even when all elements are met, intervention is only warranted in exceptional circumstances to prevent a manifest miscarriage of justice. *See, e.g.*, *State v. Long*, 53 Ohio St.2d 91 (1978), paragraph three of the syllabus.

B. Legal Analysis

{¶ 14} In his first assignment of error, Mr. Holloman argues the trial court plainly erred in imposing a consecutive prison sentence at a community control revocation and sentencing hearing because the trial court failed to advise him of the possibility of consecutive sentences at his initial sentencing hearing. Mr. Holloman thus contends the court lacked authority to impose a consecutive sentence and it was therefore clearly and convincingly contrary to law. Because the court failed to give him prior notice of a potential consecutive sentence at the original sentencing hearing—where he was sentenced to community control—Mr. Holloman maintains the court was only permitted to impose a concurrent prison sentence during the revocation proceeding.

{¶ 15} When imposing a community control sanction, "[t]he court shall notify the offender that, if the conditions of the sanction are violated, [or] if the offender commits a violation of any law, . . . the court . . . may impose a prison term on the offender and shall indicate the range from which the prison term may be imposed as a sanction for the violation." R.C. 2929.19(B)(4). The Supreme Court has interpreted this statute to mean a court "must notify the offender that a consecutive sentence is a possibility on revocation of community control in order for the court to have the authority, on revocation, to require that the reserved prison term be served consecutively with another prison sentence." *Jones*, 2022-Ohio-4485, at ¶ 11. *See also State v. R.S.M.*, 2026 Ohio App. LEXIS 2228 (10th Dist. June 16, 2026), *discretionary appeal allowed*, 2026 Ohio App. LEXIS 1971 (Sept. 15, 2026), and held for the decision in *State v. Krouse*, 2026 Ohio LEXIS 1397 (July 7, 2026).

{¶ 16} When an offender is sentenced to community control for one or more felony convictions, he must be notified at the time of sentencing of the specific prison term (or, under the present version of the statute, "the range of prison terms") that could be imposed if he does not successfully complete the term of community control. R.C. 2929.19(B)(4) (present and former versions). "[T]he reserved prison term is stated, but it is not imposed at that point." *Jones*, 2022-Ohio-4485, at ¶ 12, citing *State v. Howard*, 2020-Ohio-3195, ¶ 25. At a later revocation hearing, the court may not "exceed the prison term . . . previously specified." *Id.* at ¶ 17. Accordingly, "when a reserved prison term or terms are imposed in the context of an existing prison term, a court may not require that they be served consecutively unless notice of a potential consecutive sentence was given at the time of sentencing to community control." *Id.* Thus, in the absence of such prior notice of a

potential consecutive sentence given at the time of sentencing to community control, "the reserved prison sentence must be imposed to run concurrently with the existing prison term." *Id.* at ¶ 17.

{¶ 17} In the present case, it is undisputed the trial court did not advise Mr. Holloman at the initial December 3, 2024 sentencing hearing that he could face a consecutive sentence if his community control is later revoked. Indeed, the state concedes "it was plain error for the trial court to impose [Mr.] Holloman's 12-month prison term consecutive to his Delaware County prison term" under *Jones*, 2022-Ohio-4485. (Appellee's Brief at 6.) And, on review of the December 3, 2024 sentencing hearing transcript and the trial court's December 3, 2024 sentencing entry, we find nothing to show the trial court explicitly advised Mr. Holloman that the court could impose his 12-month suspended prison sentence ***consecutive*** to a possible, future prison term for committing another criminal offense. We therefore find this is an exceptional circumstance requiring a finding of plain error to prevent a manifest miscarriage of justice.

{¶ 18} Based on the foregoing, we conclude the trial court was without authority to impose a consecutive sentence for the community control violation and thus plainly erred. Accordingly, Mr. Holloman's first assignment of error is sustained.

{¶ 19} Because our disposition of Mr. Holloman's first assignment of error renders moot the arguments presented in support of his second assignment of error, we need not consider whether the trial court erred in its calculation of Mr. Holloman's jail-time credit. Thus, pursuant to App.R. 12(A)(1)(c), we decline to address his second assignment of error.

III. CONCLUSION

{¶ 20} Having sustained Mr. Holloman's first assignment of error, thus rendering his second assignment of error moot, we reverse the judgment of the Franklin County Court of Common Pleas and remand this matter to that court for further proceedings in accordance with law and consistent with this decision.

Judgment reversed and cause remanded.

DORRIAN and LELAND, JJ., concur.