

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
BUTLER COUNTY

STATE OF OHIO,	:	CASE NO. CA2026-03-037
Appellee,	:	
vs.	:	<u>OPINION AND</u>
	:	<u>JUDGMENT ENTRY</u>
JUSTIN DANIEL DENNIS,	:	9/21/2026
Appellant.	:	
	:	

CRIMINAL APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS
Case No. CR2025-08-1002

Michael T. Gmoser, Butler County Prosecuting Attorney, and Michael Greer, Assistant Prosecuting Attorney, for appellee.

Christopher Bazeley, for appellant.

OPINION

PIPER, P.J.

{¶ 1} Appellant, Justin Daniel Dennis, appeals the sentence he received from the Butler County Court of Common Pleas following his guilty plea to attempted sexual

battery. For the reasons set forth below, we affirm Dennis' conviction.

{¶ 2} On January 28, 2026, Dennis pled guilty to three counts of attempted sexual battery in violation of R.C. 2923.02 and 2907.03(A)(7). At the sentencing hearing on March 12, 2026, the trial court sentenced Dennis to serve three consecutive 18-month prison terms, for a total of 54 months. The trial court then informed Dennis that he was subject to a five-year mandatory term of postrelease control ("PRC") and that, if he violated PRC, he may be required to serve up to one-half of his original sentence for one or more PRC violations.

{¶ 3} Dennis now appeals, raising one assignment of error for our review, which states:

{¶ 4} THE TRIAL COURT FAILED TO ADVISE DENNIS OF ALL OF THE POSSIBLE PENALTIES HE COULD RECEIVE IF HE VIOLATED THE TERMS OF POST RELEASE CONTROL (PRC).

{¶ 5} In his sole assignment of error, Dennis argues that the trial court erred by failing to inform him at sentencing of *all* the consequences he faces for failing to comply with PRC, including that a violation could result in "more restrictive sanctions, a longer period of supervision, or that he could be sent back to prison even if he completed all of his sentenced prison time as required by R.C. 2967.28(F)(3)." In response, the State asserts that the trial court properly informed Dennis of the PRC notifications at the sentencing hearing, as required by R.C. 2929.19(B)(2)(f). We agree with the State.

{¶ 6} "A trial court must properly impose postrelease control at the sentencing hearing and in the sentencing entry." *State v. Rush*, 2024-Ohio-620, ¶ 6 (12th Dist.); *State v. Demangone*, 2023-Ohio-2522, ¶ 22 (12th Dist.). Because a trial court has a statutory duty to provide notice of PRC at the sentencing hearing, any sentence imposed without that notice is contrary to law. *State v. Grimes*, 2017-Ohio-2927, ¶ 8. As such, we review

the imposed sentence under the standard of review set forth in R.C. 2953.08(G)(2), which governs all felony sentences.

{¶ 7} If a defendant is convicted of a felony for which PRC is mandatory under R.C. 2929.19(B)(2)(d) and 2967.28(B), the trial court must inform the defendant that PRC is mandatory upon release from prison. If PRC is not mandatory, the defendant must be notified that the Adult Parole Authority has the discretion to impose PRC under R.C. 2929.19(B)(2)(e) and 2967.28(C). *Grimes* at ¶ 9.

{¶ 8} If PRC is mandatory, the court must also inform the defendant of the term of PRC and that, if the defendant "violates that supervision ..., the parole board may impose a prison term, as part of the sentence, of up to one-half of the stated prison term originally imposed upon the offender." *Id.*; R.C. 2929.19(B)(2)(f). After orally providing these notifications, the trial court must incorporate them into its sentencing entry. *Id.* at ¶ 8. To validly impose PRC, the sentencing entry must set forth the following information:

- (1) whether postrelease control is discretionary or mandatory,
- (2) the duration of postrelease-control period, and (3) a statement to the effect that the Adult Parole Authority ... will administer the postrelease control pursuant to R.C. 2967.28 and that any violation by the offender of the conditions of postrelease control will subject the offender to the consequences set forth in that statute.

Id. at ¶ 1.

{¶ 9} Dennis was convicted of three counts of attempted sexual battery, all felonies of the fourth degree. As a result, he was subject to a mandatory term of PRC for five years. R.C. 2967.28(B)(1). When Dennis was sentenced, the trial court complied with the notification requirements set forth in R.C. 2929.19(B)(2) by informing Dennis of the following:

Sir, upon your release from prison, you will be subject to a five-year mandatory period of post-release control. If you violate the post-release control sanctions, the parole authority

may return you to prison and require that you serve more time in prison, up to one half of your original sentence on one or more post-release control violations.

{¶ 10} The trial court then incorporated these notifications into its March 16, 2026, sentencing entry.

{¶ 11} Based upon the record before us, we find that PRC was properly imposed. Contrary to Dennis' argument, it has been held that a trial court is "not required to orally advise [a defendant] of the 'possibility that a violation could result in other penalties including more restrictive sanctions, a longer period of supervision, or that he could be sent back to prison even if he completed all of his sentenced prison time as required by R.C. 2967.28(F)(3)' as such advisements are not required by the express language of R.C. 2929.19(B)(2)." *Rush*, 2024-Ohio-620, at ¶ 10 (12th Dist.), citing *Demangone*, 2023-Ohio-2522, at ¶ 25 (12th Dist.).

{¶ 12} "Had the legislature intended for defendants to be provided with additional notifications about postrelease control, it would have included those notifications and requirements in R.C. 2929.19(B)(2). It chose not to do so." *Id.* Therefore, because the trial court complied with the PRC notification requirements at the sentencing hearing and incorporated the required information into Dennis' sentencing entry, we find that the trial court properly imposed a mandatory term of PRC on Dennis for a five-year period. Accordingly, Dennis' assignment of error is overruled.

{¶ 13} Judgment affirmed.

M. POWELL and SIEBERT, JJ., concur.

JUDGMENT ENTRY

The assignment of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, affirmed.

It is further ordered that a mandate be sent to the Butler County Court of Common Pleas for execution upon this judgment and that a certified copy of this Opinion and Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed in compliance with App.R. 24.

/s/ Robin N. Piper, Presiding Judge

/s/ Mike Powell, Judge

/s/ Melena S. Siebert, Judge