

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

STATE OF OHIO,

Plaintiff - Appellee

-vs-

SETH WALTER HINTON,

Defendant - Appellant

Case No. 26-COA-006

Opinion And Judgment Entry

Appeal from the Ashland County Court of
Common Pleas, Case No. 24-CRI-232

Judgment: Affirmed

Date of Judgment Entry: August 21, 2026

BEFORE: William B. Hoffman; Robert G. Montgomery; Kevin W. Popham, Judges

APPEARANCES: CHRISTOPHER R. TUNNELL, Ashland County Prosecuting
Attorney by JAMES B. REESE, III, for Plaintiff-Appellee; CHRISTOPHER BAZELEY,
for Defendant-Appellant.

Montgomery, J.

{¶1} Defendant-Appellant, Seth Hinton (“Appellant”) appeals from the judgment of the Ashland County Court of Common Pleas imposing post-release control. For the reasons below, we AFFIRM.

STATEMENT OF THE CASE AND FACTS

{¶2} On October 5, 2023, Seth Hinton (“Appellant”) was arrested after significant investigation by Ashland Police in cooperation with Mansfield Police and Richland County Sheriff, regarding the overdose death of a 19-year-old. The investigation found that Appellant had been selling counterfeit Percocet pills that were in fact pressed fentanyl. On August 12, 2024, Seth Hinton was indicted on one count of Involuntary Manslaughter in violation of R.C. 2903.04, a felony of the first degree; two counts of Corrupting Another with Drugs in violation of R.C. 2925.02, a felony of the second degree; and one count of Aggravated Trafficking of Drugs in violation of R.C. 2925.03, a felony of the third degree. On September 12, 2025, two additional charges of Possession of a Fentanyl-Related Compound in violation of R.C. 2925.11, felonies of the second degree; and one count of Aggravated Possession of Drugs in violation of R.C. 2925.11, a felony of the fifth degree, were added in a superseding indictment.

{¶3} On December 22, 2025, Hinton pled guilty to one count of Corrupting Another with Drugs, one count of Aggravated Trafficking, one count of Possession of a Fentanyl-Related Compound, and the Aggravated Possession of Drug charges. On February 2, 2026, the trial court imposed a combined indefinite sentence of nine and one half to thirteen years in prison. It also imposed a mandatory term of post release control of eighteen months and up to three years, as reflected in the Sentencing Judgment Entry. Judgment Entry, at p. 3. On February 6, 2026, Appellant filed a timely appeal. Appellant argues the trial court failed to orally advise him at the sentencing hearing regarding the duration of post-release control.

SOLE ASSIGNMENT OF ERROR

{¶4} “I. THE TRIAL COURT FAILED TO PROPERLY IMPOSE PRC.”

{¶5} In the sole assignment of error, Appellant argues that the trial court erred when it failed to orally advise him at the sentencing hearing regarding the duration of post-release control (“PRC”) he must serve after he is released from prison. We disagree.

{¶6} We review Appellant’s sentence under R.C. 2953.08(G)(2). An appellate court may vacate or modify a felony sentence only if it clearly and convincingly finds either that the record does not support the sentencing court's findings under the applicable statutory provisions, or that the sentence is otherwise contrary to law. *State v. Marcum*, 2016-Ohio-1002, ¶ 22-23; R.C. 2953.08(G)(2).

{¶7} Ohio’s sentencing statutes impose specific obligations on a trial court at a sentencing hearing. R.C. 2967.28(B)(3) provides that for a felony of the second degree, that is not a felony sex offense, PRC is mandatory for a period of up to three years, but not less than eighteen months. The trial court must notify the offender regarding this mandatory PRC, the duration of the PRC, and that he “will be supervised” under R.C. 2967.28 after release from prison. R.C. 2929.19(B)(2)(d). The court must also notify the offender that if he violates a condition of post-release control, “the parole board may impose a prison term, as part of the sentence, of up to one-half of the definite prison term originally imposed upon the offender as the offender's stated prison term or up to one-half of the minimum prison term originally imposed upon the offender as part of the offender's stated non-life felony indefinite prison term.” R.C. 2929.19(B)(2)(f).

{¶8} Pursuant to the statutory framework, it is well-settled that a trial court must orally advise the defendant of the following: 1) whether PRC is discretionary or mandatory;

2) the duration of the PRC period; and 3) a statement to the effect that the Adult Parole Authority will administer PRC pursuant to R.C. 2967.28 and that any violation by the offender of the conditions of PRC will subject the offender to the consequences as set forth in the statute. *State v. Grimes*, 2017-Ohio-2927, *overruled on other grounds* by *State v. Harper*, 2020-Ohio-2913. Because the trial court has a statutory duty to provide notice of PRC at the sentencing hearing, “any sentence imposed without such notification is contrary to law.” *State v. Jordan*, 2004-Ohio-6085, at ¶ 23; R.C. 2953.08(G)(2); *State v. Gray*, 2022-Ohio-939, ¶ 12 (8th Dist.) (reversing because, among other reasons, the court did not advise defendant of the consequences of violating the conditions of PRC); quoting *State v. Fischer*, 2010-Ohio-6238, ¶ 29; *Grimes*, ¶ 8.

{¶9} Further, because a court is generally said to speak only through its journal entries, the trial court is required to incorporate the PRC notifications into its journal entry imposing sentence. *Jordan*, ¶ 22; *Hernandez v. Kelly*, 2006-Ohio-126. Thus, a trial court imposing PRC “‘is duty-bound to notify [the] offender at the sentencing hearing about [PRC] and to incorporate [PRC] into its sentencing entry.’” *Grimes*, ¶ 1, quoting *Jordan*, ¶ 22. *See also State v. Bates*, 2022-Ohio-475, ¶ 23 (“[T]o validly impose post-release control as part of a defendant's sentence, the trial court must orally provide all the required advisements at the sentencing hearing and it must incorporate those advisements into the sentencing entry.”); *State v. Russell*, 2006-Ohio-4450, ¶ 18 (5th Dist.), citing *Jordan*, ¶ 22. The issue must be raised on direct appeal, or it is barred by res judicata. *State v. Hudson*, 2020-Ohio-3849.

{¶10} Here, the trial court's Sentencing Judgment Entry clearly states: (1) that Appellant is subject to mandatory PRC of 18 months and up to three years; (2) if Appellant violates the terms of PRC, the Adult Parole Authority (APA) who supervises PRC would

impose consequences pursuant to R.C. 2967.28, and may return the Appellant to prison for up to nine months for each violation, but not more than half of the original prison sentence; and (3) that any new felonies during PRC would have additional consequences. Judgment Entry, p. 3-4. The transcript from the sentencing hearing states as follows:

COURT: Additionally, you will be subject to a mandatory term of Post-Release Control following your release from prison. The Adult Parole Authority will supervise you and you will have rules to follow, and if you violate their rules, they could send you back to prison on a rule's violation for up to nine months at a time, and they cannot exceed more than one half of your originally stated term for all violations, and it's mandatory for *up to three years in this case*. (emphasis added).

If you commit a new felony while on Post-Release Control, the Court sentencing you on a new felony would have the authority to terminate Post-Release Control and impose a consecutive prison term of one year or the time left on Post-Release Control, whichever is greater.

Is there any questions about your sentence Mr. Hinton?

HINTON: No.

Sent. Tr., pp. 20-21.

{¶11} Appellant concedes the trial court advised him regarding the mandatory nature of PRC following release from prison, that PRC would be supervised by the APA and the consequences of violations, but claims that the court failed to state the duration of PRC. Sent. Tr., p. 20. In arguing that the trial court did not identify the length of PRC, Appellant recites a portion of the trial court's colloquy in his Brief stating "you will be subject to a mandatory

term of Post-Release Control following your release from prison.” Appellant’s Brief, p. 3. However, Appellant omits the remaining portions of that paragraph including the last sentence stating, “it’s mandatory for *up to three years in this case.*” (emphasis added).

{¶12} We conclude that the trial court complied with the *Grimes* requirements. It stated that PRC was “mandatory,” that the Adult Parole Authority would supervise and impose rules and there would be consequences for violating the rules, that if Appellant committed a new felony while on PRC, he would be subject to additional consequences and further stated the duration of PRC was mandatory for “up to three years in this case.” Thus, it is clear from the record that the trial court described the term of PRC supervision. The trial court reiterated all of those statements in its corresponding Judgment Entry, as required. Thus, the trial court complied with its duty and appropriately informed Appellant regarding PRC. As such, the sentence is not contrary to law and there is nothing to remand to the trial court. Appellant’s sole assignment of error is overruled.

CONCLUSION

{¶13} For the reasons stated in our accompanying Opinion, the judgment of the Ashland County Court of Common Pleas is affirmed.

{¶14} Costs to Appellant.

By: Montgomery, J. and

Popham, J.

Hoffman, P.J., Dissenting.

Hoffman, P.J., dissenting

{¶15} I respectfully dissent from the majority opinion.

{¶16} R.C. 2967.28(B)(3) requires the trial court inform a defendant at sentencing for a felony of the second degree, which is not a felony sex offense, PRC is mandatory for a period of up to three years, *but not less than eighteen months*. While the trial court advised Appellant his PRC was mandatory for up to three years, it did not advise him PRC was mandatory for a minimum of eighteen months.

{¶17} I find such is plain error and requires a remand to the trial court to orally give Appellant the proper notification.