

IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT  
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-07-1143

Appellee

Trial Court No. CR-2003-1883

v.

Paul Hyslop

**DECISION AND JUDGMENT ENTRY**

Appellant

Decided: September 21, 2007

\* \* \* \* \*

Yvonne A. Wojtas, for appellant.

\* \* \* \* \*

OSOWIK, J.

{¶ 1} This is an appeal from a judgment of the Lucas County Court of Common Pleas that resentenced appellant in compliance with *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, following remand from the Supreme Court of Ohio. Pursuant to 6th Dist.Loc.App.R. 12 (A), this case is hereby assigned to the accelerated calendar.

{¶ 2} On April 14, 2003, appellant was indicted on one count of possession of cocaine in violation of R.C. 2925.11(A) and (C)(4)(c), a third-degree felony. A jury found appellant guilty of the charge and on October 1, 2003, appellant was sentenced to a

non-minimum four-year prison term. Appellant appealed his sentence and this court affirmed the trial court's judgment. *State v. Hyslop*, 6th Dist. No. L-03-1298, 2005-Ohio-1556. A discretionary appeal to the Ohio Supreme Court was allowed in 2005, and in 2006, appellant's sentence was reversed and remanded to the trial court for sentencing pursuant to *Foster*, supra. *In re Ohio Crim. Sentencing Statutes Cases*, 109 Ohio St.3d 313, 2006-Ohio-2109. On March 22, 2007, the trial court again imposed a sentence of four years.

{¶ 3} Appellant presents two assignments of error, both of which contend that the trial court violated the Due Process and Ex Post Facto Clauses of the United States Constitution when it resentenced him in accordance with *State v. Foster*, supra, which was decided after appellant committed the offense of which he was convicted. This court has already addressed this issue in *State v. Coleman*, 6th Dist. No. S-06-023, 2007-Ohio-448. Therefore, on the authority of *State v. Coleman*, we find appellant's arguments to be without merit. Accordingly, appellant's first and second assignments of error are not well-taken.

{¶ 4} On consideration whereof, the judgment of the Lucas County Court of Common Pleas is affirmed. Appellant is ordered, pursuant to App.R. 24, to pay the costs of this appeal. Judgment for the clerk's expenses incurred in the preparation of the record, feels allowed by law, and the fee for filing the appeal is awarded to Lucas County.

JUDGMENT AFFIRMED.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.  
See, also, 6th Dist.Loc.App.R. 4.

Mark L. Pietrykowski, P.J.

\_\_\_\_\_  
JUDGE

William J. Skow, J.

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JUDGE

Thomas J. Osowik, J.

CONCUR.

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JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:  
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.