

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

State of Ohio

Court of Appeals No. {22}E-25-027

Appellee

Trial Court No. 2023 CR 0222

v.

Aaron Wright

DECISION AND JUDGMENT

Appellant

Decided: August 18, 2026

* * * * *

Kevin J. Baxter, Erie County Prosecuting Attorney, and
Kristin R. Palmer, Assistant Prosecuting Attorney, for appellee.

Joseph Sobecki, for appellant.

* * * * *

OSOWIK, J.

Procedural History

Indictment

{¶ 1} On September 13, 2023, the Erie County Grand Jury indicted Aaron Wright on nine counts. Counts One, Two, Three, Four, Five, and Six charged him with separate violations of R.C. 2913.02(A)(1), 2913.02(B)(5), Grand Theft of a Motor Vehicle, each count constituting a fourth-degree felony. Counts Seven and Eight charged Wright with

separate violations of 2913.02(A)(1), 2913.02(B)(2), Theft, each count constituting a fifth-degree felony. Count Nine charged him with a violation of R.C. 2921.12(A)(1), 2921.12(B), Tampering With Evidence, classified as a third-degree felony. All of these violations occurred between June 5 and June 12, 2023.

Plea and Sentence

{¶ 2} Ultimately, a plea agreement was reached and on March 20, 2024, Wright entered pleas of Guilty to Counts One, Two, Three, Four, Five and Six. The remaining counts of the indictment were dismissed.

{¶ 3} On May 1, 2024, Wright was sentenced to a term of community control, beginning May 1, 2024. The sentencing judgment entry advised Wright of the following:

In the event that the defendant violates his term of community sanctions, a prison term of six (6) months would be reserved as to Count 1, a prison term of six (6) months would be reserved as to Count 2, a prison term of six (6) months would be reserved as to Count 3, a prison term of six (6) months would be reserved as to Count 4, a prison term of six (6) months would be reserved as to Count 5 and could be imposed for an aggregate maximum term of thirty (30) months. Further, if the defendant violates his term of community sanctions, the imposed prison term in Count 1, 2, 3, 4 and 5 shall be served consecutively to each other. ¹

The Court finds pursuant to O.R.C. §2929.14(C)(4) that the imposition of consecutive prison sentences is appropriate to protect the public from future crimes and to punish the offender; the sentences are not disproportionate to the seriousness of the defendant's conduct and; at least two of the multiple offenses were committed as part of one or more courses of conduct and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflexes [sic] the seriousness of the offenders conduct.

¹ We note that the original sentencing entry does not reserve any prison time on Count 6.

{¶ 4} Wright was given an extensive enumerated list of conditions:

IT IS FURTHER ORDERED that defendant shall comply with the following conditions:

1. Defendant shall comply with the conditions of community sanctions and the conditions of probation as heretofore filed in this Court on December 10, 2021;

2. Defendant shall not leave the State of Ohio without first obtaining prior written consent from the Adult Probation Department;

3. Defendant shall provide random drug/alcohol screens to the Adult Probation Department;

4. Defendant shall comply with all lawful Orders of the Adult Probation Department;

5. Defendant shall make restitution joint and several with any and all co-defendants in the agreed total amount of

\$47,542.39 to the Erie County Adult Probation Department to be paid as follows:

a. \$41,867.00 to C.S.*

b. \$300.00 to D.M.

c. \$625.00 to L.J.

6. Defendant shall have no contact whatsoever with C.R., C.W., L.J., N.G., A.H., C.S., N.T., J.S., D.M.;

7. Defendant shall obtain and maintain full-time verifiable employment and shall show proof to the Adult Probation Department;

8. Defendant shall be referred for a drug/alcohol assessment and shall successfully complete any program, including any after care programs recommended;

9. Defendant shall be referred for a mental health assessment and shall successfully complete any program, including any after care programs recommended;

10. Defendant shall not operate a motor vehicle prior to showing proof of a valid driver's license and insurance to the Erie County Adult Probation Department.

The Probation Violations

{¶ 5} On May 28, 2025 a probation violation hearing was held. Wright was charged with violating three “standard” conditions of his community control as well

as two “special” conditions. After testimony was taken from his probation officer, the trial court found that Wright had violated the terms of his community control and imposed the reserved prison terms on Counts One, Two, Three, Four and Five, consecutively for a total term of prison incarceration of 30 months. As noted, despite not explicitly reserving a period of incarceration at the original sentence, the court imposed a six-month sentence on Count Six, to be served concurrently.

Assignments of Error

{¶ 6} Wright timely filed his appeal from his sentence of incarceration imposed because of the revocation of his community control. He sets forth five assignments of error for our review:

I. THE TRIAL COURT’S IMPOSITION OF CONSECUTIVE SENTENCES IS CONTRARY TO LAW.

{¶ 7} Wright does not contest that the trial court made the required findings mandated by R.C. 2929.14(C)(4) at his original sentencing hearing. However, the record reflects that the court did not make these findings before the imposition of consecutive sentences at the community control violation hearing.

{¶ 8} The Ohio Supreme Court has held that if the trial court imposes a prison term for multiple offenses after revoking community control, R.C. 2929.14(C)(4) requires the court to make the necessary consecutive-sentences findings at that time. *State v. Howard*, 2020-Ohio-3195 ¶ 27.

{¶ 9} In this case, the State has formally conceded error by the trial court with respect to this assignment of error. We have held that a trial court's failure to make the findings required by R.C. 2929.14(C)(4) renders an appellant's sentence contrary to law. *State v. Magee*, 2019-Ohio-1921, ¶ 25 (6th Dist.).

{¶ 10} Therefore, upon review, we agree and find the first assignment of error well-taken and granted and the case is remanded to the trial court to make the necessary findings required by R.C. 2929.14(C)(4).

II. THE TRIAL COURT ERRED BY FAILING TO GIVE WRIGHT THE STATUTORILY REQUIRED POST-RELEASE CONTROL NOTIFICATIONS AT THE COMMUNITY CONTROL REVOCATION SENTENCING HEARING.

{¶ 11} Appellant argues that the trial court also failed to orally provide the post-release notifications mandated by R.C. 2929.19(B)(2)(e).

{¶ 12} We have held that R.C. 2967.28(B) requires the trial court to orally advise the offender of notice of post-release control conditions at the sentencing hearing and in the sentencing judgment entry. *State v. Kynard*, 2026-Ohio-758, (6th Dist.) ¶ 22-24.

{¶ 13} In this case, the transcript of May 28, 2025, community control violation hearing is void of any notification to Wright of post-release control. Further, if a court improperly imposes post-release control, it may correct the sentence in accordance with the procedures set forth in R.C. 2929.191, which provides that a court must hold a hearing before issuing the correction. *Id.*

{¶ 14} Again, in this case, the State has formally conceded error by the trial court with respect to this assignment of error. Likewise, upon our review, we agree and find Wright’s second assignment of error to be well-taken and granted and remand for a re-hearing.

III. THE TRIAL COURT ERRED BY FAILING TO PROVIDE
WRIGHT THE OPPORTUNITY FOR ALLOCUTION.

{¶ 15} In this assignment, Wright argues that the trial court failed to give any opportunity for him to speak at the community control revocation hearing.

{¶ 16} R.C. 2929.19(A) and Crim.R. 32(A)(1), concerning the imposition of a sentence, states that “the court shall * * * address the defendant personally and ask if he or she wishes to make a statement in his or her own behalf or present any information in mitigation of punishment.” *See State v. Jackson*, 2016-Ohio-8127, ¶ 9. These mandates require that an offender be given an opportunity for allocution whenever a trial court imposes a sentence at a sentencing hearing, including a community-control-revocation sentencing hearing. *Id.*

{¶ 17} While the State concedes that the trial court did not personally address appellant at the revocation hearing, it argues the error was harmless but also recognizes that the trial court can correct this error at resentencing.

{¶ 18} Our review of the community control violation hearing establishes that the trial court did not personally address Wright prior to sentencing. We agree with the State

that this error can be corrected at re-sentencing. We find Wright's third assignment of error well-taken.

IV. THE TRIAL COURT ERRED BY FINDING THAT WRIGHT VIOLATED THE TERMS OF HIS COMMUNITY CONTROL.

{¶ 19} Wright disputes the trial court's findings that he violated Standard Conditions 4, 8 and 13, as well as Special Conditions 5 and 9.

Standard Condition 4

{¶ 20} Standard Condition 4 required Wright to obey federal, state and local laws and ordinances and to immediately report any arrest, citation of the law or conviction to his probation officer. According to the unrefuted testimony of probation officer Williams, on January 20, 2025, Wright was indicted by a Cuyahoga County, Ohio Grand Jury for Count One Possession of fentanyl-related compound, F5, Count 2, Unlawful possession of dangerous ordinance, F5 and Count 3, Tampering With Evidence, F3.

{¶ 21} Additionally, on April 20, 2025, the Cuyahoga County Grand Jury indicted Wright with the following offenses, Count 1, Aggravated Robbery, F1; Two Counts of firearm Specification, Count 2, Robbery, F2; Two Counts of Firearm Specification; Count 3, Felonious Assault, two counts of firearm specification; Count 4, Discharge of a Firearm on or near Prohibited Premises, F3; two counts of firearm specification; and Count 5, Carrying a Concealed Weapon.

{¶ 22} At his violation hearing, counsel argued that Wright was incarcerated in Cuyahoga County and simply unable to contact his probation office. In this appeal, he

further argues that it was the burden on the State to prove that he had unrestricted access to a phone while in the county jail.

{¶ 23} In contrast, Wright’s probation officer testified that he had personal knowledge that there were phones available at the Cuyahoga County Jail. Based upon the testimony and credibility of the witnesses, we can find no abuse of discretion on the part of the trial court in its finding that Wright violated Standard Condition 4.

Standard Condition 8

{¶ 24} Appellant contends that he was denied due process rights to confront witnesses related to his violations of Standard Conditions 8 and 13, which required that he “not purchase, possess, use or have under his control any contraband or associate with persons having a criminal background and/or persons who may have gang associations, or could influence him to engage in criminal activity.”

{¶ 25} Standard Condition 8 required Wright not “purchase, possess, use or have under his control any contraband.”

{¶ 26} Probation officer Williams testified that this violation was based upon a report from a Cuyahoga County Probation Officer that Wright had tested positive for opiates and oxycodone on January 28, 2025.

Standard Condition 13

{¶ 27} Standard Condition 13 required Wright to “not associate with persons having a criminal background and/or other persons who may have gang affiliations, or who could influence him to engage in criminal activity.” Probation Officer Williams

testified that this violation was based upon a conversation that he had with Detective Owen Norman of the Cuyahoga County Sheriff's Office on February 13, 2025. The detective advised him that Wright "was part of some gang affiliation known as the Huff Heights gang out of East Cleveland, Ohio."

{¶ 28} It is undisputed and the State concedes that the basis of the violations of Standard Conditions 8 and 13 was founded on hearsay. Hearsay is admissible in a probation-revocation hearing; however, we have held that when it is the only evidence of a violation, it is insufficient and violates the probationer's due process right to confront the witnesses against him. *State v. Ohly*, 2006-Ohio-2353, ¶ 26 (6th Dist.). Therefore, in the absence of any firsthand information concerning these violations, we agree with appellant that he was denied his due process right.

{¶ 29} Nevertheless, we agree with the State and consistent with our opinion in *Ohly*, based upon the state's ability to establish the other community control violations, we find that the trial court's determination that appellant had violated his community control was not an abuse of discretion.

Special Condition 5

{¶ 30} This condition required Wright to pay restitution in the amount of \$47,542.39. Wright contends that he had until the end of his four-year term of community control to complete restitution. However, Probation Officer Williams testified that Wright had set up a payment plan of \$50 per month. In the twelve months since his probation began, he had paid only \$150.

{¶ 31} Despite the fact that the trial court stated that Wright had not made “any payments”, based upon the failure of Wright to abide by the payment plan, we can find no abuse of discretion in the court’s finding that Wright violated Special Condition 5.

Special Condition 9

{¶ 32} Special Condition 9 required Wright to undergo a mental health assessment and shall successfully complete any program, including any after-care programs recommended. Wright argued that he was not told or directed that he needed to complete any such assessment within any set period. However, probation officer Williams testified that when he first met Wright, he told him that he needed to get a mental health assessment done. Based upon the testimony presented to the trial court, we cannot find that the trial court abused its discretion in finding that Wright violated Special Condition 9.

{¶ 33} For the foregoing reasoning, we find Wright’s fourth assignment of error to be not well taken and denied.

V. THE TRIAL COURT ERRED BY FAILING TO PROVIDE A WRITTEN STATEMENT OF FACTS FOR THE REASONS FOR REVOCATION OF WRIGHT’S COMMUNITY CONTROL.

{¶ 34} Wright argues that the trial court did not provide a written statement of facts and its “oral explanation” lacks detail that makes appellate review cumbersome. More specifically, the trial court never actually determined which violations it found Wright to have violated.

{¶ 35} However, the transcript of the May 28, 2025 hearing indicates that the trial court gave a clear and concise explanation as to the violations that were made by Wright:

“So he’s tested positive for drugs....There’s gang affiliation. Restitution has not been paid. No- I don’t care who he’s talked to, he still hasn’t shown a mental health assessment or any aftercare, which the Court was concerned about at the time of placing that condition on his probation.”

{¶ 36} In this case, in lieu of written statements detailing the basis for the trial court's determination, we find that the trial court's statement sufficiently informed the appellant of the reasons for which his probation was being revoked, while also providing an adequate record for review on appeal. *See State v. Delaney*, 11 Ohio St. 3d 231, 235 (1984).

{¶ 37} We therefore do not find any deprivation of the appellant's right to due process in this case and find his fifth assignment of error not well-taken and it is denied.

Conclusion

{¶ 38} Based on the foregoing, the May 28, 2025 decision and judgment entry of the Erie County Common Pleas Court is reversed. This case is remanded for further proceedings to enable the trial court to make the required findings mandated by R.C. 2929.14(C)(4) and further, to orally advise the offender of notice of post-release control conditions at the sentencing hearing and in the sentencing judgment entry as mandated by R.C. 2929.19(B)(2)(e), and to further personally ask Wright if he wishes to make a

statement on his own behalf or present any information in mitigation of punishment prior to the imposition of sentence pursuant to R.C. 2929.19(A) and Crim.R. 32(A)(1).

{¶ 39} Appellee is ordered to pay the costs of this appeal under App.R. 24.

Judgment reversed and remanded.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.

Thomas J. Osowik, P.J.

JUDGE

Myron C. Duhart, J.

JUDGE

Charles E. Sulek, J.
CONCUR.

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.supremecourt.ohio.gov/ROD/docs/.
