

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
Plaintiff-Appellee,	:	
v.	:	No. 116094
RAYMOND BAKER, JR.,	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: October 15, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-25-702079-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Carley Berman, Assistant Prosecuting Attorney, *for appellee*.

Cullen Sweeney, Cuyahoga County Public Defender, and Thomas T. Lampman, Assistant Public Defender, *for appellant*.

MICHAEL JOHN RYAN, P.J.:

{¶ 1} Defendant-appellant Raymond Baker, Jr. (“Baker”) appeals from the trial court’s imposition of two concurrent prison sentences, which were imposed for

violations of previously-imposed community-control sanctions. For the reasons set forth below, we affirm.

Procedural History

{¶ 2} In May 2025, Baker was charged in a six-count indictment. Count 1 charged having weapons while under disability, and the remaining counts, Counts 2-6, charged aggravated menacing. The victims of the menacing counts included two adults (Counts 2 and 3) and three minors (Counts 4, 5, and 6).

{¶ 3} In July 2025, Baker pleaded guilty to Count 1, having weapons while under disability (a third-degree felony), and Count 2, amended to include the minor victims from Counts 4, 5, and 6 as victims under Count 2 (a misdemeanor of the first degree).¹ Counts 3, 4, 5, and 6 were dismissed. The trial court informed Baker at the change-of-plea hearing that if it sentenced him to community-control sanctions and he violated those sanctions, he “could receive a more restrictive sentence including jail or prison.” (Tr. 12.)

{¶ 4} In August 2025, the trial court sentenced Baker to community-control sanctions with conditions. At the sentencing hearing, the trial court gave Baker the following advisement regarding violating the community-control sanctions: “Sir, if you do violate the terms of this community control sentence, you could face a more restrictive sentence including jail or prison. Prison could be anywhere from 9 to 36 months.” (Tr. 26.) The trial court’s sentencing judgment entry stated that a

¹ The record demonstrates that the alleged adult victim in Count 3 did not have a desire to prosecute the case.

“violation of the terms and conditions may result in more restrictive sanctions as approved by law.”

{¶ 5} In January 2026, the trial court held a hearing on Baker’s alleged violation of the community-control sanctions. Baker admitted the violation, and the trial court found him to be in violation. The trial court sentenced Baker to a prison term of 18 months on Count 1 (a third-degree felony) and 180 days on Count 2 (a misdemeanor of the first degree); the sentences were ordered to be served concurrently. Baker now appeals, raising the following assignment of error for our review: “The trial court erred in punishing a community-control violation with a prison term because the original sentencing order imposing community control did not notify Baker that prison was a possible sentence.”

Law and Analysis

{¶ 6} “[T]he proper scope of felony sentence review by Ohio appellate courts is set forth in R.C. 2953.08(G)(2).” *State v. Brill*, 2023-Ohio-404, ¶ 7 (3d Dist.), quoting *State v. Redmond*, 2019-Ohio-309, ¶ 15 (6th Dist.). Pursuant to R.C. 2953.08(G)(2), an appellate court may reverse a sentence “only if it determines by clear and convincing evidence that the record does not support the trial court’s findings under relevant statutes or that the sentence is otherwise contrary to law.” *State v. Marcum*, 2016-Ohio-1002, ¶ 1.

{¶ 7} R.C. 2929.19(B)(4) governs the imposition of community-control sanctions and reads, in relevant part, as follows:

If the sentencing court determines *at the sentencing hearing* that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the sanction are violated . . . the court may impose a longer time under the same sanction, may impose a more restrictive sanction, or 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, which shall be the range of prison terms for the offense that is specified pursuant to section 2929.14 of the Revised Code and as described in section 2929.15 of the Revised Code.

(Emphasis added.) R.C. 2929.19(B)(4); *see also* R.C. 2929.15(B)(1).

{¶ 8} Thus, “[w]hen a trial court imposes community control, it must notify the offender of the possible results of a violation of those sanctions.” *State v. Lyle*, 2014-Ohio-751, ¶ 12 (3d Dist.). “[C]ompliance with R.C. 2929.19(B)([4]) must come at the sentencing hearing” *State v. Angers*, 2023-Ohio-369, ¶ 13 (8th Dist.), quoting *State v. Brooks*, 2004-Ohio-4746, ¶ 17. For this reason, “notification generally is deficient when the trial court’s statements to an offender of a possible term of imprisonment occurs at a plea hearing and is not repeated at a later sentencing hearing.” *Angers* at ¶ 13, quoting *Brooks* at ¶ 17. Further, this notification must also be contained in the sentencing entry. *State v. Grega*, 2016-Ohio-222, ¶ 12 (8th Dist.). However, if notification was not given in the first instance at the sentencing hearing, “notification given in a court’s journal entry issued after the sentencing does not comply with R.C. 2929.19(B)([4]).” *State v. Yauger*, 2023-Ohio-815, ¶ 11 (8th Dist.), quoting *Brooks* at ¶ 11.

{¶ 9} “Compliance with R.C. 2929.19(B)(4) is a prerequisite to imposing a prison term for a community control violation.” *State v. Clinton*, 2022-Ohio-717,

¶ 14 (2d Dist.). “When a sentence fails to include a mandatory provision, such as the notification provision under R.C. 2929.19(B)(4), it may be appealed because such a sentence is ‘contrary to law’ and is also not ‘authorized by law.’” *State v. Batty*, 2014-Ohio-2826, ¶ 22 (4th Dist.).

{¶ 10} In this case, the trial court notified Baker when sentencing him to community-control sanctions that if he violated the terms of the sanctions he faced a more restrictive sentence, including a jail or prison term ranging between nine to 36 months. The trial court’s sentencing entry informed Baker that a “violation of the terms and conditions may result in more restrictive sanctions as approved by law.” The issue in this case, therefore, is whether the trial court provided sufficient notice to Baker that a prison sentence was a possible consequence of violating the terms of his community-control sanctions. We find it did.

{¶ 11} Baker cites an Ohio Supreme Court case, *State v. Jones*, 2022-Ohio-4485, and two cases from this court, *State v. Lenhart*, 2020-Ohio-2727 (8th Dist.), and *State v. Goforth*, 2008-Ohio-5596 (8th Dist.), which held that the defendants’ prison sentences for violations of community-control sanctions were contrary to law because of a lack of proper notification. Those cases are distinguishable from this case.

{¶ 12} In *Jones*, the Ohio Supreme Court considered “whether a trial court, in imposing a prison sentence that it had previously notified the offender could be imposed upon revocation of community control (‘reserved prison term’), may

require that the sentence be served *consecutively to other sentences* being served by the offender.” (Emphasis added.) *Id.* at ¶ 1. The Court held:

[W]hen a court revokes community control, it may require that the reserved prison term be served consecutively to any other sentence then existing or then being imposed but only if at the time it imposed community control, it notified the offender that a consecutive sentence on revocation of community control was a possibility. This does not mean that a trial court must notify an offender of the possibility of consecutive sentences in every instance but that in any case in which it does not provide such notice, imposing a consecutive sentence is not available to that court if community control is later revoked. Thus, if an offender who is on community control is convicted and sentenced to prison for a new offense, the revocation proceeding in the original case may not result in a prison sentence that runs consecutively to the new prison sentence if no mention of consecutive sentences was made as part of the original sentence for community control.

Id. at ¶ 2.

{¶ 13} Thus, the issue in *Jones* dealt with whether a defendant who violates the terms of his or her community-control sanctions can be sentenced for the violation, with the sentence to run consecutively to another sentence the defendant is serving. That is not the issue in this case. Moreover, the defendant in *Jones* was sentenced under former R.C. 2929.19(B)(5) (now recodified as R.C. 2929.19(B)(4)), which, as opposed to R.C. 2929.19(B)(4), required the trial court to inform the defendant of “the specific prison term that may be imposed as a sanction for the violation” *Jones* at ¶ 10, quoting former R.C. 2929.19(B)(5). R.C. 2929.19(B)(4), governing this case, does not require the trial court to state a specific prison term that may be imposed for a violation of community-control sanctions; rather, it provides that the trial court “shall indicate *the range* from which

the prison term may be imposed as a sanction for the violation” (Emphasis added.) R.C. 2929.19(B)(4).

{¶ 14} *Lenhart*, 2020-Ohio-2727 (8th Dist.), is also distinguishable from this case. In *Lenhart*, the trial court advised the defendant at sentencing that “[i]f you commit a violation of these terms, you can be sentenced to prison.” *Id.* at ¶ 17. The court’s sentencing entry provided that the defendant could be sentenced to “more restrictive sanctions, or a prison term of 36 month(s) as approved by law.” *Id.* at ¶ 8. This court held that the trial court erred in sentencing the defendant to prison because it failed to advise him of that possibility *at the sentencing hearing*; the advisement in the sentencing entry did not cure the lack of advisement at the sentencing hearing. Here, however, the trial court did advise Baker at his original sentencing of the range from which a prison term could be imposed if he violated his community-control sanctions.

{¶ 15} Likewise, *Goforth*, 2008-Ohio-5596 (8th Dist.), is distinguishable from this case. In *Goforth*, the trial court informed the defendant that she would be sentenced to prison if she violated the terms of her community-control sanctions but did not inform her of a specific prison term, which was required under the former governing statute, R.C. 2929.19(B)(5). The defendant violated the terms of her sanctions four times.

{¶ 16} After the first violation, the trial court informed her that “failure to comply with the terms and conditions of the sanctions may result in more restrictive sanctions as approved by law,” but did not specify a term for the violation.

{¶ 17} After the second and third violations, the trial court informed the defendant that a future violation could result in an eight-year prison term. And after the fourth violation, the trial court sentenced the defendant to a two-year prison term.

{¶ 18} Although the trial court twice informed the defendant of the possibility of a specific prison term at her violation hearings, none of the court's journal entries contained *any advisements* about the consequences of violating community control. This court noted in particular that the trial court's entry after the defendant's third violation "failed to notify appellant of the specific term or that any prison time may be imposed." *Goforth*, 2008-Ohio-5596, at ¶ 18 (8th Dist.).

{¶ 19} Thus, *Goforth* is distinguishable from this case because it involved the requirement under the former statutory provision for notification to an offender of a specific prison term. Moreover, *Goforth's* holding was primarily based on the trial court's lack of advisements in its sentencing entries. *See also Grega*, 2016-Ohio-222 (8th Dist.) (focusing solely on lack of advisement in journal entry).

{¶ 20} Additionally, we note that *Lenhart*, 2020-Ohio-2727 (8th Dist.), and *Goforth* relied on the Ninth Appellate District's decision in *State v. McWilliams*, 2005-Ohio-2148 (9th Dist.), which we believe was wrongly decided. In *McWilliams*, the appellate court interpreted the requirement for notification regarding a violation of community-control sanctions as akin to the Ohio Supreme Court's pronouncement in *State v. Jordan*, 2004-Ohio-6085, regarding notifications for felony prison sentencing. Specifically, *McWilliams* found that because the Ohio

Supreme Court analyzed *Brooks*, 2004-Ohio-4746, and *State v. Comer*, 2003-Ohio-4165, regarding sentencing complexities and the Court did not distinguish the notification requirements, the Court intended the same notification for felony prison sentencing to apply to community-control violations. The *McWilliams* rationale is problematic for two reasons.

{¶ 21} First, in *Jordan*, which dealt with sentencing offenders for violating conditions of postrelease control, the Ohio Supreme Court emphasized that there is a constitutional issue regarding separation of powers when the Adult Parole Authority has discretion over imposing a sentence for parole violators. The Court therefore held that to ensure that the Adult Parole Authority can exercise that authority, trial courts must include the conditions of postrelease control in the journal entry. In this case, however, there is no concern about violation of separation of powers or the authority of the Adult Parole Authority; rather, the trial court has complete autonomy to both find a violation of community-control sanctions and to impose a sentence for the violation.

{¶ 22} Second, in *Brooks*, the Ohio Supreme Court specifically found that giving notification in the journal entry after the fact is insufficient: “notification given in a court’s journal entry issued after sentencing does not comply with R.C. 2929.19(B)(5).” *Id.* at ¶ 18. Rather, “compliance with R.C. 2929.19(B)(5) must come at the sentencing hearing” *Id.* at ¶ 17.

{¶ 23} Because the trial court advised Baker at his sentencing hearing of the range of prison terms that it could impose if he violated his community-control

sanctions, the trial court properly sentenced him to a prison term for violating the sanctions. Baker's sole assignment of error is overruled, and the trial court's judgment is affirmed.

{¶ 24} Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MICHAEL JOHN RYAN, PRESIDING JUDGE

DEENA R. CALABRESE, J., and
TIMOTHY W. CLARY, J., CONCUR