[Cite as *State v. May*, 2026-Ohio-4535.]

STATE OF OHIO	)	IN THE COURT OF APPEALS
	)ss:	NINTH JUDICIAL DISTRICT
COUNTY OF WAYNE	)	

STATE OF OHIO Appellee v. JAMES MAY Appellant	C.A. No. 25AP0057 APPEAL FROM JUDGMENT ENTERED IN THE COURT OF COMMON PLEAS COUNTY OF WAYNE, OHIO CASE No. 2023 CRC-I 000622

DECISION AND JOURNAL ENTRY

Dated: November 16, 2026

STEVENSON, Judge.

{¶1} Defendant-Appellant James May appeals the sentencing entry of the Wayne County Court of Common Pleas. This Court reverses and remands for further proceedings consistent with this decision.

I.

{¶2} Mr. May pleaded guilty to failure to comply with an order or signal of a police officer in violation of R.C. 2921.331(B), a felony of the third degree, and grand theft of a motor vehicle in violation of R.C. 2913.02(A)(1), a felony of the fourth degree. The trial court found Mr. May guilty of these offenses, and it scheduled the matter for sentencing.

{¶3} The trial court sentenced Mr. May to 36 months in prison for the failure to comply conviction and 18 months in prison on the grand theft of a motor vehicle conviction, ordering that the sentences be served consecutively. Fines and court costs were waived, and Mr. May was ordered to make restitution in the amount of $500.00. The court also imposed a lifetime operator's

license suspension. The trial court ordered at the sentencing hearing that it was giving Mr. May "credit for one hundred and sixty eight days" that he had already served in jail, plus any days served while awaiting transport to prison. The trial court's sentencing entry, however, failed to give any credit for time served. Mr. May appeals the trial court's sentencing entry, asserting one assignment of error for this Court's review.

II.

ASSIGNMENT OF ERROR NO. 1

THE TRIAL COURT IMPROPERLY SENTENCED MAY WHEN IT FAILED TO AWARD HIM 168 DAYS JAIL TIME CREDIT AS WARRANTED BY ORC 2929.19(B)(2).

{¶4} Mr. May argues in his sole assignment of error that the trial court awarded him jail time credit as warranted by R.C. 2929.19(B)(2)(g)(i) at the sentencing hearing but failed to award him jail time credit in its written sentencing entry. The State concedes this error.

{¶5} Under R.C. 2929.19(B)(2)(g)(i), a trial judge is required to calculate the number of days "that the offender has been confined for any reason arising out of the offense for which the offender is being sentenced[.]" The department of rehabilitation and correction must reduce the offender's sentence by that number of days. *Id.* "It is axiomatic that when used in a statute, the word 'shall' denotes that compliance with the commands of that statute is mandatory[.]" *State ex rel. Botkins v. Laws*, 69 Ohio St.3d 383, 385 (1994); *State v. Soloman*, 2023-Ohio-1935, ¶ 9 (9th Dist.).

{¶6} This Court's review of the record confirms that the trial court awarded Mr. May 168 days jail time credit at the sentencing hearing, plus any days that he served while awaiting transportation to prison. The trial court's sentencing entry, however, fails to award jail time credit. Thus, the trial court erred in failing to award him jail time credit in the sentencing entry. "'The

trial court can correct this clerical error via nunc pro tunc entry on remand.'" *State v. Shanaberger*, 2026-Ohio-431, ¶ 17 (9th Dist.), quoting *State v. Morgan*, 2020-Ohio-3955, ¶ 7 (9th Dist.), citing *State v. Ibn-Ford*, 2015-Ohio-753, ¶ 8 (9th Dist.). Accordingly, Mr. May's sole assignment of error is sustained.

III.

{¶7} Mr. May's sole assignment of error is sustained. The judgment of the Wayne County Court of Common Pleas is reversed, and the matter is remanded to the trial court to issue a nunc pro tunc entry to correct its sentencing entry in accordance with this opinion.

Judgment reversed,
and cause remanded.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Wayne, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellee.

SCOT STEVENSON
FOR THE COURT

SUTTON, P. J.
MANNING, J.
CONCUR.

APPEARANCES:

WESLEY A. JOHNSTON, Attorney at Law, for Appellant.

ANGELA WYPASEK, Prosecuting Attorney, and MICHAEL J. DEFIBAUGH, Assistant Prosecuting Attorney, for Appellee.