

SUPREME COURT OF OHIO

State v. Jones

2022-Ohio-4485 (Ohio 2022) · No. Nos. 2020-0485 and 2020-0826 · Decided December 15, 2022

SUMMARY

The Supreme Court of Ohio held that when revoking community control, a trial court may order a reserved prison term to run consecutively to another sentence only if it notified the offender at the time community control was imposed that consecutive sentencing was possible. Because Brooke Jones did not receive that notice, the court was not authorized to impose the reserved two-year term consecutively to her Jefferson County sentence. The judgment was affirmed in part, reversed in part, and remanded for imposition of a concurrent sentence.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Brunner, J.; O'Connor, C.J.; Donnelly, J.; Stewart, J.; Kennedy, J.; Fischer, J.; DeWine, J.
JURISDICTION	Ohio
DECIDED	December 15, 2022
DOCKET	Nos. 2020-0485 and 2020-0826
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Discretionary appeal and certified-conflict appeal from the Seventh District Court of Appeals concerning the authority to impose a reserved prison term consecutively to another prison sentence after revocation of community control.
STANDARD OF REVIEW	De novo review applies to questions of statutory interpretation.
PRECEDENTIAL VALUE	Published Supreme Court of Ohio opinion; binding precedent in Ohio, subject to the partial dissent.
PARTIES	Brooke Jones v. State of Ohio

TOPICS

- sentencing
- probation
- statutory interpretation
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a trial court may impose a reserved prison term consecutively to another sentence after revoking community control when the court did not notify the offender at the original community-control sentencing that consecutive sentencing was a possibility.
2. Whether the trial court could impose the reserved term consecutively without first making the findings required by R.C. 2929.14(C)(4).
3. Whether the original or subsequent sentencing court has authority to impose a sentence consecutive to a reserved prison term that had not yet been imposed.

HOLDINGS

1. When a court revokes community control, it may require the reserved prison term to be served consecutively to another existing or then-imposed sentence only if, when imposing community control, it notified the offender that a consecutive sentence on revocation was a possibility.
2. A reserved prison term is a potential future sentence, not a contemporaneous sentence imposed with community control, and therefore is not available as an already imposed sentence for purposes of consecutive sentencing.
3. The findings required by R.C. 2929.14(C)(4) must be made when imposing consecutive sentences after revocation of community control.

KEY QUOTATIONS

“When 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.” (¶ 2)

“Taking these statutes together, in the context of the presumption of concurrent sentences, we hold that a trial court may not impose a consecutive prison sentence on revocation if it did not previously notify the offender that the reserved prison term (whether the notice is of a “specific prison term” under the former version of R.C. 2929.19(B)(4) or a “range of prison terms” under the current version of R.C. 2929.19(B)(4)) could be imposed as a consecutive sentence.” (¶ 17)

FACTUAL BACKGROUND

Jones pleaded guilty to endangering children in Harrison County and was sentenced to five years of community control with a two-year prison term reserved. The trial court notified her of the specific prison term that could be imposed for a violation but did not notify her that the reserved term could be imposed consecutively to another sentence. After violations of community control and a conviction for robbery in Jefferson County resulting in a three-year prison sentence, the Harrison County court revoked community control and ordered the reserved two-year term to run consecutively to the Jefferson County sentence.

PROCEDURAL HISTORY

Jones pleaded guilty in the Harrison County Court of Common Pleas and received five years of community control with a two-year prison term reserved. After Jones violated community control and received a three-year prison sentence in a separate Jefferson County case, the Harrison County court revoked community control and ordered the reserved two-year term to run consecutively. The Seventh District held that the trial court had authority to impose a consecutive sentence but vacated the sentence and remanded for the required consecutive-sentence findings under R.C. 2929.14(C)(4). The Supreme Court of Ohio accepted Jones's discretionary appeal, certified a conflict, consolidated the matters, affirmed the sentence vacatur, reversed the remand for additional findings, and remanded for imposition of a concurrent sentence.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must impose the reserved two-year prison term concurrently with the three-year Jefferson County sentence; it may not conduct a new R.C. 2929.14(C)(4) analysis to impose the term consecutively.

CASES CITED

- State v. Brooks, 103 Ohio St.3d 134, 2004-Ohio-4746, 814 N.E.2d 837
- State v. Bates, 118 Ohio St.3d 174, 2008-Ohio-1983, 887 N.E.2d 328
- State v. White, 18 Ohio St.3d 340, 481 N.E.2d 596 (1985)
- State v. Howard, 162 Ohio St.3d 314, 2020-Ohio-3195, 165 N.E.3d 1088
- State v. Ashworth, 2d Dist. Champaign No. 2011 CA 1, 2012-Ohio-108
- State v. Thompson, 5th Dist. Fairfield No. 01CA62, 2002-Ohio-4717
- Ceccarelli v. Levin, 127 Ohio St.3d 231, 2010-Ohio-5681, 938 N.E.2d 342
- State ex rel. Solomon v. Police & Firemen's Disability & Pension Fund Bd. of Trustees, 72 Ohio St.3d 62, 647 N.E.2d 486 (1995)
- Slingluff v. Weaver, 66 Ohio St. 621, 64 N.E. 574 (1902)
- Jones v. Action Coupling & Equip., Inc., 98 Ohio St.3d 330, 2003-Ohio-1099, 784 N.E.2d 1172
- Summerville v. Forest Park, 128 Ohio St.3d 221, 2010-Ohio-6280, 943 N.E.2d 522
- Hubbell v. Xenia, 115 Ohio St.3d 77, 2007-Ohio-4839, 873 N.E.2d 878
- Groch v. Gen. Motors Corp., 117 Ohio St.3d 192, 2008-Ohio-546, 883 N.E.2d 377
- State v. Smorgala, 50 Ohio St.3d 222, 553 N.E.2d 672 (1990)
- State v. Taylor, 138 Ohio St.3d 194, 2014-Ohio-460, 5 N.E.3d 612
- State v. Fischer, 128 Ohio St.3d 92, 2010-Ohio-6238, 942 N.E.2d 332
- State v. Harper, 160 Ohio St.3d 480, 2020-Ohio-2913, 159 N.E.3d 248
- Colegrove v. Burns, 175 Ohio St. 437, 195 N.E.2d 811 (1964)
- Stetter v. R.J. Corman Derailment Servs., L.L.C., 125 Ohio St.3d 280, 2010-Ohio-1029, 927 N.E.2d 1092

