

SUPREME COURT OF OHIO

State v. Barnhouse

102 Ohio St. 3d 221 (Ohio 2004) · No. 2003-0313; 2003-0249 · Decided June 2, 2004

SUMMARY

The Ohio Supreme Court held that a trial court may not impose consecutive jail sentences under R.C. 2929.16(A)(2). Applying R.C. 2929.41(A), the court concluded that such jail terms are sentences of imprisonment subject to the general requirement that multiple sentences run concurrently, and it reversed and remanded for resentencing.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Chief Justice Moyer; Moyer, C.J.; Waite, J.; Sweeney, J.; Pfeifer, J.; O'Connor, J.; O'Donnell, J.; Lundberg Stratton, J.; Resnick, J. (not participating; Cheryl L. Waite, J., of the Seventh Appellate District, sitting for Resnick, J.)
JURISDICTION	Ohio
DECIDED	June 2, 2004
DOCKET	2003-0313; 2003-0249
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Barnhouse appealed a sentence imposing two consecutive six-month jail terms as community-control sanctions. The Fourth District Court of Appeals affirmed and certified a conflict with the Sixth District's decision in State v. Lehman. The Supreme Court of Ohio accepted the certified-conflict and discretionary appeals.
STANDARD OF REVIEW	Statutory interpretation and legality of sentencing reviewed as questions of law; the ineffective-assistance claim became moot after resolution of the sentencing issue.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Ohio
PARTIES	Stephen Barnhouse v. State of Ohio

TOPICS

- sentencing
- criminal procedure
- statutory interpretation

PRACTICE AREAS

Criminal law

Sentencing

Statutory interpretation

QUESTIONS PRESENTED

1. Whether a trial court may impose consecutive six-month jail sentences under R.C. 2929.16(A)(2) as a sanction for violating community control.
2. Whether Barnhouse received ineffective assistance of counsel because counsel failed to challenge the trial court's authority to impose consecutive jail sentences.

HOLDINGS

1. A trial court may not impose consecutive jail sentences under R.C. 2929.16(A)(2). Jail terms imposed under that provision are sentences of imprisonment subject to R.C. 2929.41(A)'s general requirement that sentences of imprisonment run concurrently, and R.C. 2929.16(A)(2) is not an enumerated exception.
2. The ineffective-assistance claim was moot because the court's resolution of the sentencing issue required reversal of the sentence.

KEY QUOTATIONS

"The issue presented in this case is whether a trial court may impose consecutive jail sentences under R.C. 2929.16(A)(2). We answer that question in the negative." (221)

"Applying this rule to the instant case, we conclude that a trial court may not impose consecutive jail sentences under R.C. 2929.16(A)(2)." (225)

"Given that the General Assembly did not enumerate R.C. 2929.16(A)(2) as an exception to the general rule in R.C. 2929.41(A), we must answer that question in the negative." (226)

FACTUAL BACKGROUND

Barnhouse was convicted of multiple nonsupport offenses and placed on community control. He later stipulated to violating several conditions, including alcohol-related conduct, a DUI conviction, failures to report matters to his supervising officer, and failure to appear in mayor's court. The trial court imposed two consecutive six-month jail terms under R.C. 2929.16(A)(2) because it had not specified a prison term that could be imposed for a community-control violation.

PROCEDURAL HISTORY

Barnhouse pleaded guilty or no contest to multiple nonsupport offenses and was placed on community control. After he stipulated to violating the conditions of community control, the trial court imposed two consecutive six-month jail terms under R.C. 2929.16(A)(2), having concluded that it could not impose prison because it had not previously specified the prison term that could be imposed for a violation. The Fourth District affirmed, and the Supreme Court of Ohio reversed and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment of the Fourth District Court of Appeals and remand the cause to the trial court for resentencing.

CASES CITED

- State v. Lehman, Lucas App. No. L-99-1140, 2000 WL 125795 (Ohio Ct. App. Feb. 4, 2000)
- State v. Comer, 99 Ohio St. 3d 463, 2003-Ohio-4165, 793 N.E.2d 473