

[Cite as *State v. Brandenburg*, 146 Ohio St.3d 221, 2016-Ohio-2970.]

**THE STATE OF OHIO, APPELLEE, v. BRANDENBURG, APPELLANT.**

[Cite as *State v. Brandenburg*, 146 Ohio St.3d 221, 2016-Ohio-2970.]

*Criminal law—Felony sentencing—Standard of review upon appeal of sentence—  
R.C. 2953.08(G)(2)—Judgment reversed, and cause remanded for  
application of State v. Marcum.*

(Nos. 2015-1330 and 2015-1489—Submitted April 7, 2016—Decided May 17,  
2016.)

APPEAL from and CERTIFIED by the Court of Appeals for Butler County,  
Nos. CA2014-10-201 and CA2014-10-202, 2015-Ohio-2573.

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{¶ 1} In *State v. Marcum*, \_\_\_ Ohio St.3d \_\_\_, 2016-Ohio-1002, \_\_\_ N.E.3d \_\_\_, we held that R.C. 2953.08(G)(2) allows an appellate court to increase, reduce, or otherwise modify a sentence only when it clearly and convincingly finds that the sentence is (1) contrary to law or (2) unsupported by the record. *Id.* at ¶ 7.

{¶ 2} The judgment of the court of appeals in the instant case is reversed, and the cause is remanded to the court of appeals for application of *Marcum*.

O’CONNOR, C.J., and PFEIFER, O’DONNELL, LANZINGER, KENNEDY, FRENCH, and O’NEILL, JJ., concur.

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Michael T. Gmoser, Butler County Prosecuting Attorney, and Lina N. Alkanhawi, Assistant Prosecuting Attorney, for appellee.

Charles M. Conliff, for appellant.

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