

[Cite as *State v. Woods*, 2024-Ohio-2991.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
ROSS COUNTY

STATE OF OHIO, :
 :
 Plaintiff-Appellee, : CASE NO. 23CA23
 :
 v. :
 :
 WILLIAM A. WOODS, : DECISION AND JUDGMENT ENTRY
 :
 Defendant-Appellant. :

APPEARANCES:

William T. Cramer, Columbus, Ohio, for appellant.

Jeffrey C. Marks, Ross County Prosecuting Attorney, and Pamela C. Wells, Assistant Prosecuting Attorney, Chillicothe, Ohio, for appellee.

CRIMINAL APPEAL FROM COMMON PLEAS COURT
DATE JOURNALIZED: 7-25-24
ABELE, J.

{¶1} This is an appeal from a Ross County Common Pleas Court judgment of conviction and sentence. William A. Woods, defendant below and appellant herein, assigns one error for review:

“APPELLANT’S INDEFINITE PRISON TERM IS CONTRARY TO LAW BECAUSE THE TRIAL COURT FAILED TO PROVIDE THE NOTIFICATIONS REQUIRED BY R.C. 2929.19(B)(2)(C) AT THE SENTENCING HEARING.”

{¶2} On February 26, 2020 a jury found appellant guilty of aggravated trafficking in drugs in violation of R.C.

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2925.03(C)(1)(d), a second-degree felony. The trial court, in light of appellant's multiple prior felony convictions, sentenced appellant to serve a minimum six-year prison sentence with a maximum of nine years, along with three years of mandatory post-release control. This court granted appellant's request for a delayed appeal.

{13} In his sole assignment of error, appellant asserts that his sentence is contrary to law. In particular, appellant contends that he did not receive all of the required notifications for the imposition of a non-life felony indefinite prison term. Appellant argues, citing R.C. 2929.19(B)(2)(C), that the trial court "did not mention the earned early release date in relation to the minimum term; that there are other factors beyond just conduct that the department will consider when extending the prison term, i.e. rehabilitation, threat to society, restrictive housing, and security classification; that the department will only extend the prison term for a 'reasonable' period of time; or that the department can extend the prison term more than once."

{14} Thus, appellant argues that, under the present view of the sentencing statutes and case authority, it appears that appellant did not receive all of the required notifications. Candidly appellee also recognizes that appellant's sentence should be reversed and remanded for re-sentencing. Appellee points out

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that courts have determined that a defendant should be orally advised of the required notifications at the sentencing hearing in addition to including the notifications in the sentencing entry. See, e.g., *State v. Cunningham*, 2023-Ohio-4305 (4th Dist.); *State v. Massie*, 2021-Ohio-3376 (2nd Dist.); *State Estep*, 2024-Ohio-58, (4th Dist.)

{15} Here, we also believe it appropriate to express our appreciation to the trial court and to the parties for their role in bearing the burden placed upon them with respect to the imposition of Ohio felony sentences. In *State v. Perez*, 2022-Ohio-4352 at ¶ 6, we recently wrote:

At this juncture, we wish to commend appellant for identifying this sentencing error and the appellee for its candor and agreement with appellant. We also wish to point out that errors in sentencing, since Ohio's 1996 felony sentencing overhaul, are, regrettably, very common place. Ohio's overly complex felony sentencing statutory scheme is the primary reason that felony sentencing cases are now routinely the subject of extensive appellate review. Prior to 1996, a defendant's criminal sentence was rarely the subject of appellate review. It is fundamental that governments should strive to create a system of criminal laws and sentences that citizens can easily understand. Unfortunately, Ohio's scheme falls short in this regard. Consequently, we sympathize with the trial court, and all Ohio trial courts, in their effort to issue criminal sentences for individuals who have committed felony offenses that fully comply with Ohio's statutes.

The sentiments we expressed in *Perez* are equally applicable in the case sub judice.

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{16} Accordingly, based upon the foregoing reasons we reverse the trial court's sentence and remand this matter for re-sentencing consistent with this opinion.

JUDGMENT REVERSED AND
CAUSE REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT WITH
THIS OPINION.

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JUDGMENT ENTRY

It is ordered that the sentencing portion of the judgment be reversed and the cause remanded for further proceedings consistent with this opinion. Appellee shall pay the 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 Ross County Common Pleas Court, to carry these judgments into execution.

If a stay of execution of sentence and release upon bail has been previously granted, it is continued for a period of 60 days upon the bail previously posted. The purpose of said stay is to allow appellant to file with the Ohio Supreme Court an application for a stay during the pendency of the proceedings in that court. The stay as herein continued will terminate at the expiration of the sixty-day period.

The stay will also terminate if appellant fails to file a notice of appeal with the Ohio Supreme Court in the 45-day period pursuant to Rule II, Sec. 2 of the Rules of Practice of the Ohio Supreme Court. Additionally, if the Ohio Supreme Court dismisses the appeal prior to the expiration of said 60 days, the stay will terminate as of the date of such dismissal.

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

Smith, P.J. & Hess, J.: Concur in Judgment & Opinion

For the Court

BY: _____

Peter B. Abele, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences

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from the date of filing with the clerk.