

[Cite as *State v. Snelling*, 2013-Ohio-2633.]

COURT OF APPEALS  
RICHLAND COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

REGINALD SNELLING

Defendant-Appellant

JUDGES:

Hon. William B. Hoffman, P.J.

Hon. Patricia A. Delaney, J.

Hon. Craig R. Baldwin, J.

Case No. 12CA79

OPINION

CHARACTER OF PROCEEDING:

Appeal from the Richland County Court of  
Common Pleas, Case No. 10-CR-43 D

JUDGMENT:

Affirmed

DATE OF JUDGMENT ENTRY:

June 21, 2013

APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

JAMES J. MAYER, JR.  
PROSECUTING ATTORNEY  
RICHLAND COUNTY, OHIO

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*Hoffman, P.J.*

{¶1} Defendant-appellant Reginald Snelling appeals his sentence entered by the Richland County Court of Common Pleas. Plaintiff-appellee is the state of Ohio.

#### STATEMENT OF THE CASE<sup>1</sup>

{¶2} On June 8, 2010, Appellant was found guilty by a jury of abduction, failure to comply with an order or signal of a police officer and assault on a police officer. Via Sentencing Entry of June 15, 2010, Appellant was sentenced to seven years in prison and a mandatory three year term of post-release control.

{¶3} On June 14, 2010, Appellant filed a direct appeal from his conviction with this Court in *State v. Snelling*, Fifth Dist. Case No. 10-CA-94. This Court affirmed Appellant's conviction via Judgment Entry of June 22, 2011. See, *State v. Snelling*, 5th Dist. No. 10-CA-94, 2011-Ohio-3222.

{¶4} On October 11, 2011, Appellant filed a pro se motion to vacate his sentence and for appointment of counsel. Via Judgment Entry of December 8, 2011, the trial court overruled Appellant's motion.

{¶5} On April 9, 2012, Appellant filed a pro se motion for sentencing. His motion was denied via Judgment Entry filed August 9, 2012.

{¶6} It is from that entry, Appellant prosecutes this appeal, assigning as error:

{¶7} "I. THE TRIAL COURT ERRED BY FAILING TO ORALLY PRONOUNCE NOTIFICATION OF THE IMPOSITION OF POST RELEASE CONTROL AND THE

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<sup>1</sup> A rendition of the underlying facts is unnecessary for our resolution of the within appeal.

CONSEQUENCES OF A VIOLATION OF POST RELEASE CONTROL; THEREBY RENDERING THE SENTENCING VOID.”

{¶8} In the sole assigned error, Appellant maintains the trial court erred during his sentencing in failing to orally pronounce the time period of post-release control and the consequences of violation as statutorily mandated by R.C. 2943.032. Appellant maintains his sentence is therefore void.

{¶9} R.C. 2943.032 reads,

{¶10} “Prior to accepting a guilty plea or a plea of no contest to an indictment, information, or complaint that charges a felony, the court shall inform the defendant personally that, if the defendant pleads guilty or no contest to the felony so charged or any other felony, if the court imposes a prison term upon the defendant for the felony, and if the offender violates the conditions of a post-release control sanction imposed by the parole board upon the completion of the stated prison term, the parole board may impose upon the offender a residential sanction that includes a new prison term of up to nine months.”

{¶11} The statute pertains to the trial court’s acceptance of a guilty plea or of a plea of no contest. As set forth in the Statement of the Case, *supra*, Appellant was convicted of the charges following a jury trial. Therefore, Appellant’s reliance on R.C. 2943.032 is misplaced. For the same result see, *State v. Reid*, 2nd Dist. No. 24841, 2012-Ohio-2666 and *State v. Panza*, 8th Dist. No. 841777, 2005-Ohio-94.

{¶12} The sole assignment of error is overruled.

{¶13} Appellant's sentence in the Richland County Court of Common Pleas is affirmed.

By: Hoffman, P.J.

Delaney, J. and

Baldwin, J. concur

s/ William B. Hoffman \_\_\_\_\_  
HON. WILLIAM B. HOFFMAN

s/ Patricia A. Delaney \_\_\_\_\_  
HON. PATRICIA A. DELANEY

s/ Craig R. Baldwin \_\_\_\_\_  
HON. CRAIG R. BALDWIN

