

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-170360
		TRIAL NO. B-1606023
Plaintiff-Appellee,	:	
		<i>JUDGMENT ENTRY.</i>
vs.	:	
KHALED GMAL AHMED,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant pleaded guilty to robbery and was sentenced to six years' incarceration. On appeal, counsel for Ahmed raises one assignment of error arguing that the sentence is contrary to law because the trial court failed to notify him, as required by R.C. 2929.19(B)(2)(f), that he may not ingest or inject drugs, and that he would be required to submit to random drug testing while in prison. He further argues the court erred by not informing him that he may be eligible for earned days of credit.

As counsel acknowledged, we have already determined that the trial court's failure to comply with R.C. 2929.19(B)(2)(f) is harmless error, and that the trial court has no duty to provide a notification regarding earned credit. *State v. Finnell*, 1st Dist. Hamilton Nos. C-140547 and C-140548, 2015-Ohio-4842, ¶ 60-61. Therefore, we overrule the first assignment of error.

Appellant raises an additional pro se assignment of error alleging that the trial court erred by not granting a hearing on his motion to withdraw his guilty plea. “Although a defendant has the right to counsel or the right to act pro se, a defendant does not have any right to ‘hybrid representation.’” *State v. Smith*, 1st Dist. Hamilton Nos. C-160836 and C-160837, 2017-Ohio-8558, ¶ 31, citing *State v. Martin*, 103 Ohio St.3d 385, 2004-Ohio-5471, 816 N.E.2d 227, paragraph one of the syllabus; *State v. Thompson*, 33 Ohio St.3d 1, 6-7, 514 N.E.2d 407 (1987).

A brief containing counsel’s assignment of error on the merits and a pro se assignment of error is considered an improper “hybrid brief” and requires that we strike the pro se assignment of error. *See, e.g., State v. Lamb*, 7th Dist. Mahoning No. 12 MA 224, 2013-Ohio-5683, ¶ 23-26 (concluding that hybrid briefs are inappropriate and pro se assignments of error should be struck). Therefore, we strike the second assignment of error.

Accordingly, we affirm the trial court’s judgment.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**CUNNINGHAM, P.J., ZAYAS and DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on May 16, 2018

per order of the court \_\_\_\_\_.

Presiding Judge