

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

STATE OF OHIO,	:	APPEAL NO. C-170062
	:	TRIAL NO. B-1603337
Plaintiff-Appellee,	:	
vs.	:	
KEVIN TODD,	:	<i>JUDGMENT ENTRY.</i>
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.

Kevin Todd appeals the judgment finding him guilty of two counts of tampering with coin machines and imposing a 12-month sentence of imprisonment for each offense to be served consecutively. In his first assignment of error, Todd argues that his guilty plea must be vacated because the trial court failed to properly notify him of postrelease control during the plea colloquy. We agree, and we vacate the guilty plea and remand the cause for further proceedings.

Crim.R. 11(C)(2) requires the trial court to determine that the defendant understands the maximum penalties he is facing to ensure the plea is knowing, voluntary, and intelligent. *State v. Clark*, 119 Ohio St.3d 239, 2008-Ohio-3748, 893 N.E.2d 462, ¶ 27. Because postrelease control is a sanction imposed in addition to a prison term that extends a defendant's punishment beyond his maximum term of imprisonment, it is part of the maximum penalty for the offense. *See State v. Jones*, 1st Dist. Hamilton Nos. C-130825, C-130826, 2014-Ohio-4497, ¶ 14-15. When a trial court fails to notify the defendant of postrelease control, the plea must be vacated. *Id.* at ¶ 22.

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In this case, the trial court failed to notify Todd, during the plea colloquy, that a prison sentence included a three-year discretionary term of postrelease control. Because the trial court failed to inform Todd of the maximum sentence he was facing, his plea was not knowingly and voluntarily entered. Therefore, we vacate the plea and remand the cause. The first assignment of error is sustained.

Based on our disposition of the first assignment of error, Todd's second and third assignments of error, which deal with sentencing issues, are moot.

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

MOCK, P.J., ZAYAS and MYERS, JJ.

Enter upon the journal of the court on December 1, 2017
per order of the court _____.

Presiding Judge