

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

STATE OF OHIO,	:	APPEAL NOS. C-090819
		C-090820
Plaintiff-Appellee,	:	TRIAL NOS. B-0703465
		B-0704197
vs.	:	
		<i>JUDGMENT ENTRY.</i>
TYRONE FRAZIER,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

In June 2007, defendant-appellant Tyrone Frazier pled guilty to one count of passing bad checks in violation of R.C. 2913.11(B) and to one count of theft of a motor vehicle in violation of R.C. 2913.02(A)(3). On July 12, 2007, the trial court sentenced Frazier to community-control sanctions for a period of three years on both counts. The trial court warned Frazier that he would receive 18 months' incarceration on the theft-of-a-motor-vehicle count and an additional 12 months' incarceration on the passing-bad-checks count if he violated any of the terms of his community control.

On January 22, 2008, Frazier appeared before the trial court after violating certain provisions of his community control. The trial court continued Frazier on community control.

On August 4, 2009, Frazier again appeared before the trial court after violating his community-control provisions for the second time. Again, the trial

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

court continued Frazier on community control, but this time the court warned Frazier that if he committed one more violation, it would terminate community control and sentence Frazier to the full 30 months' incarceration.

A little more than one month later, Frazier violated his community-control provisions for the third time. True to its word, on October 1, 2009, the trial court revoked Frazier's community control on the two counts and sentenced Frazier to two and one-half years' incarceration. From this sentence Frazier appeals, asserting two assignments of error.

In his first assignment of error, Frazier argues that the trial court abused its discretion by imposing maximum, consecutive sentences for what Frazier believes to be minor violations of his community-control provisions. We disagree. "The term 'abuse of discretion' connotes more than an error of law or judgment; it implies that the court's attitude is unreasonable, arbitrary or unconscionable."² In this case, Frazier repeatedly violated the provisions of his community control, and the trial court was well within its discretion to revoke it. Additionally, Frazier's sentence was within the statutory range, so we cannot say that the trial court abused its discretion when it imposed the maximum statutory term.³ Because there is nothing in the record to indicate that the trial court's decision was unreasonable, arbitrary, or unconscionable, we overrule Frazier's first assignment of error.

In his second assignment of error, Frazier asserts that the trial court erred when it did not properly calculate and incorporate his jail-time credit in the court's sentencing entries. After reviewing the trial court's judgment entries for Frazier's two cases, it appears that the trial court failed to include any of Frazier's jail-time credit for the case numbered B-0703465 and indicated that "[Frazier] [wa]s to receive credit for time served" for the case numbered B-0704197. We have

² *Blakemore v. Blakemore* (1983), 5 Ohio St.3d 217, 219, 450 N.E.2d 1140.

³ See *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470; *State v. Beasley* (1984), 14 Ohio St.3d 74, 471 N.E.2d 774.

previously held that “the trial court must calculate the correct number of days [of jail-time credit] and include that number in its sentencing entry.”⁴ Because the trial court failed to properly include the specific amount of Frazier’s jail-time credit in its judgment entries, we sustain Frazier’s second assignment of error and remand these cases to the trial court so that it can properly assess the credit in its judgments.

In all other respects, we affirm the judgments of the trial court.

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.

SUNDERMANN, P.J., HENDON and MALLORY, JJ.

To the Clerk:

Enter upon the Journal of the Court on July 14, 2010

per order of the Court _____.

Presiding Judge

⁴ *State v. Gregory* (1995), 108 Ohio App.3d 264, 267, 670 N.E.2d 547.