

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

STATE OF OHIO,	:	APPEAL NO. C-170264
Plaintiff-Appellee,	:	TRIAL NO. M-15CRB-5891
vs.	:	<i>JUDGMENT ENTRY.</i>
ELENA HAMMOCK,	:	
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.

Following a bench trial, defendant-appellant Elena Hammock was found guilty of violating the conditions of her community control related to a misdemeanor conviction for failing to maintain a vacant building license. The trial court did not revoke Hammock’s community control and impose a jail term, but instead extended her community control for seven months. Hammock now appeals, bringing forth two assignments of error.

In her first assignment of error, Hammock contends that the trial court erred in finding Hammock guilty of violating the terms and conditions of her community control.

In order to establish a community-control violation, the state must present substantial evidence that the defendant violated the terms of her community control.

State v. Osume, 1st Dist. Hamilton No. C-140390, 2015-Ohio-3850, ¶ 9. Substantial evidence has been defined as being more than a scintilla of evidence, but less than a preponderance. *Id.*

Hammock's conditions of community control included, among other things, paying fines and obtaining a license for a vacant building that she owned. Hammock admits that she fulfilled neither of those conditions. Given that she admitted she had not obtained the license or paid her fines, we hold that the state presented substantial evidence that she had violated the conditions of her community control. Accordingly, the first assignment of error is overruled.

In her second assignment of error, Hammock maintains that the trial court erred by failing to determine Hammock's jail-time credit for the time she spent in jail pending the outcome of her community-control violation hearing. We overrule this assignment of error. There was no need for the trial court to determine Hammock's jail-time credit because Hammock was not sentenced to a jail term after being found guilty of violating her community control.

Accordingly, the judgment of the trial court is affirmed.

Further, 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.

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

To the clerk:

Enter upon the journal of the court on June 15, 2018

per order of the court _____.

Presiding Judge