

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

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| STATE OF OHIO, | : | APPEAL NO. C-170706 |
| | : | TRIAL NO. B-1704900 |
| Plaintiff-Appellee, | : | |
| | : | <i>JUDGMENT ENTRY.</i> |
| vs. | : | |
| MICHAEL WALLS, | : | |
| | : | |
| 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 Michael Walls pleaded guilty to possession of heroin, a fifth-degree felony, in violation of R.C. 2925.11(A). In exchange, the state dismissed a second charge of aggravated possession of drugs. The trial court sentenced Walls to 180 days in jail and three years of community control with multiple conditions.

In a single assignment of error, Walls argues the trial court erred by ordering that he complete a three-year period of intensive probation supervision as a non-residential sanction of his community control.

R.C. 2929.17(E) provides that a court may impose a term of intensive probation supervision as a non-residential sanction. At the November 2017 sentencing hearing, the trial court stated that, in determining Walls's sentence, it had considered Walls's extensive criminal history, his failure to respond favorably to sanctions imposed for

criminal offenses, including his unfavorable termination from previous community-control supervision, his pattern of drug abuse, the presentence investigation (“PSI”) report, and the statements from Walls and his counsel. The trial court noted that Walls had been convicted of possession of drugs, attempted possession of heroin, and misdemeanor possession of drug paraphernalia in 2017, had been sentenced to a term of community control for the two drug-possession offenses, but had been unsuccessfully terminated, and had served prison time in Kentucky for criminal possession of a forged instrument, burglary, and assault.

According to the PSI report, Walls suffered from bipolar disorder. He had been using heroin intravenously on a daily basis up to his arrest, had lost his employment due to his heroin use, had been in prior treatment programs, and had expressed a current interest in attending drug treatment. The probation department evaluated Walls and determined that he posed a high risk of reoffending. It recommended that he be placed on intensive probation supervision.

The trial court told Walls that its primary concern was “to get him clean and back into society whole.” Walls told the court that he had struggled with substance abuse for 12 years, had turned to heroin to help alleviate chronic pain from multiple back surgeries, and was interested in seeking out-patient treatment for his heroin addiction, so that he could regain custody of his child. Walls’s counsel asked the trial court to place Walls on community control with intensive probation supervision as a condition, so that Walls could get the help he needed for his addiction while still pursuing custody of his child.

Our review of the record reveals that the trial court did not err in imposing intensive probation supervision as a non-residential sanction. We, therefore, overrule his sole assignment of error and affirm the judgment of the trial court.

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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., MYERS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on August 29, 2018
per order of the court _____.
Presiding Judge