

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

STATE OF OHIO,	:	APPEAL NO. C-150473
	:	TRIAL NO. B-1404597
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
FREDERICO LOPEZ,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Frederico Lopez entered a guilty plea to one count of nonsupport of dependents, a fifth-degree felony. A presentence-investigation report (“PSI”) was ordered. After reviewing the PSI, which indicated that Lopez was unemployed, had a total of five dependents and was at “high risk” for drug abuse, the trial court convicted Lopez of nonsupport and imposed five years of community control, with intensive supervision probation (“ISP”). Other conditions of Lopez’s community control included (1) completion of the Talbert House Work Release program, (2) obtaining and maintaining verifiable employment within 30 days, (3) earning his G.E.D., (4) completing any treatment/counseling recommended by the probation department, and (5) submitting to random drug and alcohol screenings at the discretion of the probation department.

Lopez now appeals his conviction, asserting in a single assignment of error that the trial court erred by imposing ISP and the work-release program as conditions of his community control.

Trial courts have broad discretion to fashion appropriate conditions of community control. R.C. 2929.15(A). But the discretion is not unlimited. *See State v. Talty*, 103 Ohio St.3d 177, 2004-Ohio-4888, 814 N.E.2d 1201, ¶ 10. The community-control conditions must reasonably relate to the goals of “doing justice, rehabilitating the offender, and insuring good behavior.” *Id.* at ¶ 12. In determining whether a condition of community control reasonably relates to these goals, the court must consider whether the condition (1) is reasonably related to rehabilitating the offender, (2) has some relationship to the crime of which the offender was convicted, and (3) relates to conduct that is criminal or reasonably related to future criminality and serves the statutory ends of community control. *See State v. McClure*, 159 Ohio App.3d 701, 2005-Ohio-777, 825 N.E.2d 217, ¶ 4 (1st Dist.).

We review a challenge to the reasonableness of community-control conditions under an abuse-of-discretion standard. *State v. Cauthen*, 1st Dist. Hamilton No. C-130475, 2015-Ohio-272, ¶ 11, citing *Talty*.

Lopez contends that the condition of ISP was unreasonable because ISP is generally a condition of community control for defendants who have a demonstrated drug problem. Lopez argues that because the trial court did not demonstrate that he had a drug problem, ISP could not be imposed as a condition of his community control. Lopez does not provide any legal support for this argument, and we can find none. Regardless of whether trial courts typically only impose the condition of ISP for offenders with drug problems, there is nothing in Ohio’s statutory scheme that mandates that the condition of ISP only be used in that specific circumstance.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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Here, the conditions of ISP and the work-release program were reasonably related to the goals of doing justice, rehabilitating Lopez and ensuring his good behavior. With both of those conditions, it is more likely that Lopez will obtain employment, which will allow a wage-deduction order to be set in place, and it is more likely that Lopez will maintain that employment so that he can meet his legal obligation to pay child support. Because the conditions of community control were reasonably related to rehabilitating Lopez and ensuring his good behavior, we cannot say that the trial court abused its discretion in imposing them. Accordingly, the single assignment of error is overruled, and 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.

**FISCHER, P.J., MOCK and STAUTBERG, JJ.**

To the clerk:

Enter upon the journal of the court on April 15, 2016

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