

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

STATE OF OHIO,	:	APPEAL NOS. C-160582
		C-160583
Plaintiff-Appellee,	:	TRIAL NOS. B-1500847
		B-1602038
vs.	:	
		<i>JUDGMENT ENTRY.</i>
DANTE BROWN, a.k.a. DANTE SIMMS,	:	
Defendant-Appellant.	:	

We consider these appeals 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.

In the case numbered B-1500847, defendant-appellant Dante Brown, a.k.a. Dante Simms, pled guilty to possession of cocaine, a fifth-degree felony. The trial court originally sentenced appellant to a three-year period of intensive-supervision community control and told him that it would impose a sentence of 12 months' imprisonment should he commit a community-control violation. Appellant was twice found guilty of community-control violations and was continued on community control. Upon appellant's third community-control violation, the trial court revoked his community control and sentenced him to a term of six months' imprisonment.

In the case numbered B-1602038, appellant pled guilty to having a weapon while under a disability, a third-degree felony, and was sentenced to 12 months'

imprisonment. This 12 month sentence was agreed upon by appellant and the state, and was recommended to the trial court. Appellant does not appeal this agreed sentence. The court ordered the sentences in B-1500847 and B-1602038 be served consecutively, resulting in an aggregate sentence of 18 months' imprisonment.

Appellant has appealed, arguing in one assignment of error that the trial court erred by improperly sentencing him. Under R.C. 2953.08(G)(2), we may only vacate or modify a defendant's sentence if we clearly and convincingly find that the record does not support any mandatory sentencing findings or that the sentence imposed is otherwise contrary to law. *State v. Marcum*, 146 Ohio St.3d 516, 2016-Ohio-1002, 59 N.E.3d 1231; *State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11 (1st Dist.).

The sentence imposed in B-1500847 was not contrary to law. It fell within the available statutory range, and the record reflects that the trial court considered the purposes and principles of sentencing prior to imposing sentence. Further, the sentence did not exceed the prison term that the trial court had previously specified would be imposed upon a community-control violation. *See State v. McAfee*, 1st Dist. Hamilton No. C-130567, 2014-Ohio-1639, ¶ 17.

The trial court made the required findings under R.C. 2929.14(C)(4) to impose consecutive sentences, and those findings were supported by the record. However, the trial court failed to incorporate the findings into the sentencing entries, as was required by the Supreme Court of Ohio in *State v. Bonnell*, 140 Ohio St.3d 209, 2014-Ohio-3177, 16 N.E.3d 659, syllabus. The trial court's failure to incorporate the findings does not render appellant's sentences contrary to law, but rather is a clerical mistake that may be corrected through a nunc pro tunc entry. *Id.* at ¶ 30.

Appellant additionally argues that the trial court failed to notify him that he could not ingest or inject a drug of abuse and that he would be required to submit to

random drug testing while incarcerated, and that this renders his sentence contrary to law. R.C. 2929.19(B)(2)(f). His argument is without merit. This court has repeatedly held that the notifications contained in R.C. 2929.19(B)(2)(f) confer no substantive rights upon a defendant, and that a trial court's failure to provide these notifications constitutes harmless error. *State v. Haywood*, 1st Dist. Hamilton No. C-130525, 2014-Ohio-2801, ¶ 18; *State v. Finnell*, 1st Dist. Hamilton Nos. C-140547 and C-140548, 2015-Ohio-4842, ¶ 60; *State v. Ruff*, 1st Dist. Hamilton Nos. C-160385 and C-160386, 2017-Ohio-1430, ¶ 26.

We find that the trial court did not improperly sentence appellant, and we overrule appellant's assignment of error. We remand this cause for the trial court to incorporate its consecutive-sentencing findings into the sentencing entries. The judgments of the trial court are otherwise affirmed.

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.

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

To the clerk:

Enter upon the journal of the court on May 31, 2017
per order of the court _____.
Presiding Judge