

[Cite as *State v. Russell*, 2014-Ohio-2295.]

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

STATE OF OHIO,	:	APPEAL NO. C-130384
	:	TRIAL NO. B-1107408
Plaintiff-Appellee,	:	
	:	<i>OPINION.</i>
vs.	:	
HUBERT RUSSELL,	:	
	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: May 30, 2014

Joseph T. Deters, Hamilton County Prosecuting Attorney, and *Scott M. Heenan*,
Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Bruce K. Hust, for Defendant-Appellant.

Please note: we have removed this case from the accelerated calendar.

Per Curiam.

{¶1} Defendant-appellant Hubert Russell pleaded guilty to and was convicted of having weapons under a disability, carrying concealed weapons, and tampering with evidence. He was placed on community control, which he violated. By entry of May 17, 2013, the trial court revoked Russell's community control and imposed a seven-and-a-half-year prison term and court costs. Russell has appealed.

{¶2} Russell's sole assignment of error, which alleges that his sentence was contrary to law because the trial court did not advise him that he could be required to perform community service in lieu of paying court costs, is overruled. R.C. 2947.23(A)(1) was amended effective March 22, 2013, by 2012 Sub.H.B. No. 247 to provide that the trial court is required to notify the defendant that he may be required to perform community service in lieu of paying court costs only when the court imposes a community-control sanction or other nonresidential sanction. *State v. Bailey*, 1st Dist. Hamilton Nos. C-130245 and C-130246, 2013-Ohio-5512, ¶ 5. Russell was sentenced to prison on May 17, 2013, after the March 2013 effective date of 2012 Sub.H.B. No. 247. Therefore, the trial court was not required to notify him that he might be required to perform community service in lieu of paying court costs. *See id.* at ¶ 6. The judgment of the trial court is affirmed.

Judgment affirmed.

CUNNINGHAM, P.J., HILDEBRANDT and FISCHER, JJ.

Please note:

The court has recorded its own entry this date.