

[Cite as *State v. Tippett*, 2014-Ohio-2084.]

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

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| STATE OF OHIO, | : | APPEAL NO. C-130718 |
| | : | TRIAL NO. B-1303053 |
| Plaintiff-Appellee, | : | |
| | : | <i>OPINION.</i> |
| vs. | : | |
| DAISHAWN TIPPETT, | : | |
| | : | |
| Defendant-Appellant. | : | |

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed in Part, Reversed in Part, and Cause Remanded

Date of Judgment Entry on Appeal: May 16, 2014

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

Jodie Drees Ganote, for Defendant-Appellant.

Please note: this case has been removed from the accelerated calendar.

DEWINE, Judge.

{¶1} This is a criminal sentencing appeal. Daishawn Tippet was driving a stolen car, and failed to stop when police tried to pull him over. While attempting to elude the police, he crashed into another vehicle, causing damage to both cars. He pleaded guilty to receiving stolen property and failing to comply with a police order. As part of its sentence, the trial court ordered—over objection—that Mr. Tippet pay restitution to State Farm Insurance Company¹ for funds it paid to compensate the owner of the stolen vehicle. Mr. Tippet now contends that the court erred by ordering restitution to a third-party insurance company. He is correct.

{¶2} Under R.C. 2929.18(A)(1), a court may order restitution “to the victim of the offender’s crime or any survivor of the victim, in an amount based on the victim’s economic loss.” We have previously held that the statute does not permit restitution to third-party insurance companies for amounts paid to compensate victims of crimes. *See State v. Martin*, 1st Dist. Hamilton No. C-110204, 2013-Ohio-2441, ¶ 6-8.

{¶3} We, therefore, remand this cause to the trial court with instructions to vacate that part of the sentence ordering Mr. Tippet to pay State Farm \$5,900 in restitution. We affirm the court’s judgment in all other respects.

Judgment affirmed in part, reversed in part, and cause remanded.

HENDON, P.J., and DINKELACKER, J., concur.

Please note:

The court has recorded its own entry on the date of the release of this opinion.

¹ The trial court initially awarded the restitution to All State Insurance Company. After discovering that State Farm was the affected party, it put on an entry correcting its judgment and ordering restitution to State Farm.