

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. McGowan*, Slip Opinion No. 2016-Ohio-2971.]

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SLIP OPINION NO. 2016-OHIO-2971

THE STATE OF OHIO, APPELLEE, v. MCGOWAN, APPELLANT.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. McGowan*, Slip Opinion No. 2016-Ohio-2971.]

Criminal law—Felony Sentencing—Standard of review upon appeal of sentence—R.C. 2953.08(G)(2)—Judgment reversed, and cause remanded for application of State v. Marcum.

(No. 2015-1596—Submitted April 7, 2016—Decided May 17, 2016.)

CERTIFIED by the Court of Appeals for Summit County,
No. 27092, 2015-Ohio-1804.

{¶ 1} In *State v. Marcum*, ___ Ohio St.3d ___, 2016-Ohio-1002, ___ N.E.3d ___, we held that R.C. 2953.08(G)(2) allows an appellate court to increase, reduce, or otherwise modify a sentence only when it clearly and convincingly finds that the sentence is (1) contrary to law and/or (2) unsupported by the record. *Id.* at ¶ 7.

{¶ 2} The judgment of the court of appeals in the instant case is reversed, and the cause is remanded to the court of appeals for application of *Marcum*.

SUPREME COURT OF OHIO

O'CONNOR, C.J., and PFEIFER, O'DONNELL, LANZINGER, KENNEDY,
FRENCH, and O'NEILL, JJ., concur.

Sherri Bevan Walsh, Summit County Prosecuting Attorney, and Richard S.
Kasay, Assistant Prosecuting Attorney, for appellee.

James W. Armstrong, for appellant.
