

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
BUTLER COUNTY

STATE OF OHIO, :
 :
 Plaintiff-Appellee, : CASE NO. CA2005-01-008
 :
 - vs - : OPINION
 : 10/3/2005
 :
 LOVELIA DAVIS, :
 :
 Defendant-Appellant. :

CRIMINAL APPEAL FROM BUTLER COUNTY AREA III COURT
Case No. CR03-04-0508

Robin N. Piper, Butler County Prosecuting Attorney, Hoang Bui, Government Services Center, 315 High Street, 11th Fl., Hamilton, Ohio 45011, for plaintiff-appellee

Raymond L. Katz, 114 East Eighth Street, Cincinnati, Ohio 45202, for defendant-appellant

BRESSLER, J.

{¶1} Defendant-appellant, Lovelia Davis, was charged with failing to yield right-of-way while operating a motor vehicle as a result of a two-car accident at the intersection of Tylersville Road and State Route 747 in Butler County. At the conclusion of a bench trial, the court found Davis guilty and sentenced her to a \$25 fine and costs and ordered the payment of restitution.

{¶2} In a single assignment of error, Davis claims the trial court erred by ordering restitution without first determining a specific amount to be paid.

{¶3} A trial court's failure to order a specific amount of restitution under R.C. 2929.18(A)(1) is reversible error. *State v. Back*, Butler App. No. CA2003-01-011, 2003-Ohio-5985, ¶13. If restitution is ordered, but no definite sum for payment is included in the order, the court should be given the opportunity to clarify its order. *Id.* at ¶15. In the absence of an order specifying the particular amount that is to be paid as restitution, the case should be remanded for further proceedings on the issue of restitution. See *State v. Borders*, Clermont App. No. CA2004-12-101, 2005-Ohio-4339.

{¶4} The state concedes, and the record reflects, that the trial court failed to order a specific amount of restitution as required by R.C. 2929.18(A)(1). Davis' assignment of error is well-taken and sustained. The portion of the trial court's sentencing entry ordering payment of restitution is reversed, and this matter is remanded for further proceedings regarding the issue of restitution.

{¶5} Judgment reversed and remanded.

POWELL, P.J., and WALSH, J., concur.

[Cite as *State v. Davis*, 2005-Ohio-5292.]