

[Cite as *State v. Lumpkin*, 2013-Ohio-810.]

**IN THE COURT OF APPEALS OF OHIO  
SECOND APPELLATE DISTRICT  
CLARK COUNTY**

STATE OF OHIO	:	
	:	Appellate Case No. 2011-CA-80
Plaintiff-Appellee	:	
	:	Trial Court Case No. 11-CR-244
v.	:	
	:	
NATHANIEL LUMPKIN	:	(Criminal Appeal from
	:	Common Pleas Court)
Defendant-Appellant	:	
	:	

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OPINION

Rendered on the 8th day of March, 2013.

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LISA M. FANNIN, Atty. Reg. #0082337, Clark County Prosecutor’s Office, 50 East Columbia Street, 4<sup>th</sup> Floor, Post Office Box 1608, Springfield, Ohio 45501  
Attorney for Plaintiff-Appellee

ADAM J. ARNOLD, Atty. Reg. #0088791, 208 Babington Court, Beavercreek, Ohio 45440  
Attorney for Defendant-Appellant

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HALL, J.

{¶ 1} Nathaniel Lumpkin appeals from his conviction and sentence on one count of breaking and entering.

{¶ 2} In his sole assignment of error, Lumpkin contends the trial court erred in

failing to notify him about post-release control at sentencing. This court raised the foregoing issue in a December 3, 2012 decision and entry when we were reviewing the case after the filing of a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). In that ruling, we explained:

Despite the trial court's statement in the judgment entry that it notified Lumpkin about post-release control, such notification does not appear in the sentencing transcript or elsewhere in the record. Therefore, a non-frivolous issue exists as to whether the trial court erred in failing to notify Lumpkin about post-release control at sentencing. *See, e.g., State v. Qualls*, 131 Ohio St.3d 499, 504, 2012-Ohio-1111, 967 N.E.2d 718, ¶18 (recognizing that "a trial court must provide statutorily compliant notification to a defendant regarding postrelease control at the time of sentencing, including notifying the defendant of the details of the postrelease control and the consequences of violating postrelease control").

{¶ 3} We subsequently appointed new counsel for Lumpkin, who now raises as a sole assignment of error that the trial court erred in including post-release control in the judgment entry but not mentioning it at sentencing. For its part, the State concedes that the trial court's failure to address post-release control at sentencing constitutes reversible error. *See, e.g., State v. Blessing*, 2d Dist. Clark No. 2011 CA 56, 2013-Ohio-392, ¶41. Accordingly, Lumpkin's sole assignment of error is sustained.

{¶ 4} The portion of the trial court's judgment entry imposing post-release control is reversed, and the cause is remanded for proper imposition of post-release control. In all other

respects, the trial court's judgment is affirmed.

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DONOVAN and FROELICH, JJ., concur.

Copies mailed to:

Lisa M. Fannin  
Adam J. Arnold  
Hon. Douglas M. Rastatter