

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

STATE OF OHIO,	:	APPEAL NOS. C-050665
		C-050697
Plaintiff-Appellee,	:	TRIAL NO. B-0209822
vs.	:	<i>JUDGMENT ENTRY.</i>
JEFFREY HACKLE, ¹	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.²

In December 2002, defendant-appellant Jeffrey Hackle was indicted on four counts of nonsupport of dependents, felonies of the fourth degree. He eventually entered a guilty plea to two of those counts and was sentenced to three years of community control. In July 2004, the probation department alleged that he had violated the terms of his community control by failing to report and by failing to make monthly payments on his child support as ordered. The trial court found that he had violated his community control, but continued him on it.

Almost a year after the first violation, the probation department again notified the trial court that Hackle had not met the terms of his community control. The same attorney that represented him in the first hearing represented him again. The allegations were that Hackle had committed an assault, had failed to report, and had

¹ In the C-0500697 case, appellant is sometimes referred to as Hackley.

² See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

failed to secure a wage assignment. At the hearing, the court acknowledged that the assault charge had been dismissed. Hackle waived a probable-cause hearing and pleaded no contest to the remaining violations. He was sentenced to 12 months in prison, with credit for 64 days.

In two assignments of error, Hackle now asserts that the trial court improperly revoked his community-control sanction. We disagree.

Hackle first argues that he was not afforded a full hearing and was therefore denied due process. While we acknowledge that the hearing was short, Hackle was represented by the same attorney who had represented him in the prior revocation hearing. Neither Hackle nor his attorney objected to the manner in which the hearing was conducted. Such a failure to object constituted a waiver of the issue on appeal.³

Additionally, Hackle asserts that there was insufficient evidence presented to the trial court to support the conclusion that he had violated the terms of his community control. Since he pleaded no contest, we cannot agree.

In the context of a conviction, a no-contest plea is “an admission of the truth of the facts alleged in the indictment.”⁴ Upon receipt of a no-contest plea, a trial court *must* find a defendant guilty of the charged offense if the indictment alleges sufficient facts to state an offense.⁵ This court has also held that “where * * * an indictment contains sufficient allegations to state a felony offense and a court accepts an intelligent

³ See *State v. Bogan* (Apr. 13, 1995), 8th Dist. No. 67534, citing *State ex rel. Martin v. Cleveland* (1993), 67 Ohio St.3d 155, 157, 616 N.E.2d 886; *State v. Cook* (1992), 65 Ohio St.3d 516, 520, 605 N.E.2d 70; *State v. Murphy* (1992), 65 Ohio St.3d 554, 582, 605 N.E.2d 884; *State v. Williams* (1977), 51 Ohio St.2d 112, 364 N.E.2d 1364; *State v. Humphries* (1977), 51 Ohio St.2d 95, 364 N.E.2d 1354; *State v. Long* (1978), 53 Ohio St.2d 91, 372 N.E.2d 804; *State v. Underwood* (1983), 3 Ohio St.3d 12, 444 N.E.2d 1332.

⁴ *State v. Bird*, 81 Ohio St.3d 582, 584, 1998-Ohio-606, 692 N.E.2d 1013.

⁵ *Id.*

and voluntary plea of no contest, it *must* find the defendant guilty of the offense charged.”⁶

In this case, the report of the probation department alleged sufficient facts to support the finding that Hackle had violated the terms of his community control. Rule 8 required Hackle to report on the first Thursday of the month, and the Community Control Sanction Violation stated that “[t]he defendant failed to report to the Probation Department on June 2, 2005 and July 7, 2005. An appointment letter was sent on June 28, 2005 instructing the defendant to report on July 8, 2005 at 11:00 a.m. The defendant failed to report as instructed.” Rule 11 required Hackle to have a wage assignment, and the Community Control Sanction Violation stated that “[s]ince being restored and continued, the defendant failed to verify a wage assignment.” By admitting these facts through his plea of no contest, Hackle admitted sufficient facts to support the decision that he had violated the conditions of his community control.

For these reasons, we reject both assignments of error. The judgment of the trial court is affirmed.

Further, a certified copy of this Judgment Entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

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

To the Clerk:

Enter upon the Journal of the Court on July 3, 2007

per order of the Court _____.

Presiding Judge

⁶ *State v. Horton* (May 25, 2001), 1st Dist. No. C-000434, (emphasis added).