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

STATE OF OHIO,	:	APPEAL NO. C-060176 TRIAL NO. B-0510165
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY.*
AMY SCHUH,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.[1]

Defendant-appellant Amy Schuh appeals the sentence imposed by the trial court following her guilty plea to one count of drug theft, a fourth degree felony, in violation of R.C. 2913.02(A)(1). In exchange for her guilty plea, the state dismissed the remaining drug-theft charge. The trial court sentenced Schuh to three years of community control and suspended her driver's license for one year. Schuh subsequently moved to stay her license suspension during the pendency of this appeal. The trial court granted the motion.

In her sole assignment of error, Schuh argues that the trial court erred in suspending her driver's license as a condition of her community control. She relies upon this court's decision in *State v. Krug*.[2]

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[1] See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.
[2] (1993), 89 Ohio App.3d 595, 626 N.E.2d 984.

In *State v. Krug*, we held that the trial court had erred in suspending a defendant's driver's license as a special condition of probation when there was no rational relationship between the defendant's operation of a motor vehicle and his education and rehabilitation for a domestic-violence conviction.[3] Although *Krug* was decided before the enactment of Senate Bill 2, the Ohio Supreme Court has continued to follow the same analysis that we employed in *Krug*.[4] Thus, when a trial court places an additional condition upon a community-control sanction under R.C. 2951.02(C), it must consider whether the condition is "(1) reasonably related to rehabilitating the offender, (2) has some relationship to the crime of which the offender was convicted, and (3) relates to conduct which is criminal or reasonably related to future criminality, and serves the statutory ends" of community control.[5]

Having reviewed the record, we conclude that Schuh's license suspension is distinguishable from the license suspension in *Krug*. Schuh admitted to stealing morphine sulphate and Meperidine during her employment as a nurse at Christ Hospital. She admitted to experimenting with marijuana, powder cocaine, morphine, Vicodin, Percocet, and Demerol. Prior to her arrest, she was taking four to six pain pills a day and using morphine stolen from her employer. She further admitted that she had not been involved in any type of drug-treatment program. It is undisputed that Schuh lived in Indiana and had traveled back and forth everyday to her job at Christ Hospital by car.

Given these facts, we agree with the trial court that the suspension of Schuh's driver's license was reasonably related to rehabilitating her and had a reasonable

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[3] Id. at 597.
[4] See *State v. Talty*, 103 Ohio St.3d 177, 2004-Ohio-4888, 814 N.E.2d 1201, at ¶16.
[5] *State v. Jones* (1990), 49 Ohio St.3d 51, 53, 550 N.E.2d 469.

relationship to her theft of drugs. The license suspension was also reasonably related to Schuh's future criminality. Because Schuh had a severe substance-abuse problem and had refused the court's offer of treatment, the trial court could have reasonably concluded that the license suspension was needed to protect Schuh from further criminality as well as to protect other drivers on the road.[6] Having concluded that the one-year suspension of Schuh's driver's license served the statutory ends of her community control, we overrule Schuh's sole assignment of error and affirm the judgment of the trial court.

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., SUNDERMANN and **WINKLER, JJ.**

RALPH WINKLER, retired, from the First Appellate District, sitting by assignment.

To the Clerk:

Enter upon the Journal of the Court on July 25, 2007,

per order of the Court _____.
Presiding Judge

[6] See, e.g., *State v. Thompkins*, 75 Ohio St.3d 558, 561-62, 1996-Ohio-264, 664 N.E.2d 926.