

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

STATE OF OHIO,	:	APPEAL NO. C-070118
	:	TRIAL NO. B-9807398A
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
ANTIONE BRONAUGH,	:	
	:	
Defendant-Appellant.	:	

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

In 1999, defendant-appellant Antione Bronaugh was found guilty of and sentenced for possession of marijuana and possession of cocaine. He was sentenced to five years' confinement on each count, to be served consecutively. The sentencing entry did not contain language notifying Bronaugh about postrelease control. We affirmed the convictions on appeal. Bronaugh is due to be released in October 2008. In January 2007, the trial court ordered Bronaugh's return for resentencing to include postrelease-control notification. After a resentencing hearing on January 29, 2007, the trial court imposed the same sentence and notified Bronaugh about postrelease control. Bronaugh has appealed a second time.

The sole assignment of error, which alleges that the trial court erred in sua sponte resentencing Bronaugh and notifying him about postrelease control when he had not been

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

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properly notified at his original sentencing hearing, is overruled on the authority of *State v. Bezak*.² In *Bezak*, the Ohio Supreme Court held that when postrelease control is not properly included in a sentence for a particular offense, the sentence for that offense is void and the offender is entitled to a new sentencing hearing for that offense.³ Bronaugh was afforded the proper remedy under *Bezak*.

Therefore, the judgment of the trial court is affirmed.

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 HENDON, JJ.

To the Clerk:

Enter upon the Journal of the Court on December 26, 2007
per order of the Court _____
Presiding Judge

² 114 Ohio St.3d 94, 2007-Ohio-3250, 868 N.E.2d 961.

³ See *id.*, syllabus.