

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

STATE OF OHIO,	:	APPEAL NO. C-110021
	:	TRIAL NO. B-0900364
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
KAWAN DOCK,	:	
	:	
Defendant-Appellant.	:	

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

Defendant-appellant Kawan Dock appeals the trial court’s judgment revoking his community control and sentencing him to two years in prison. We conclude that Dock’s assignment of error has no merit, and we therefore affirm the judgment of the trial court.

In May 2009, Dock entered pleas of guilty to one count of forgery and one count of theft, both felonies of the fifth degree. The trial court sentenced Dock to two years’ community control and instructed him that if he violated the terms of community control, the court would impose a prison term of two years.

On August 10, 2010, a community-control violation was filed against Dock. He was accused of, among other things, failing to report to his probation officer and having obtained a new misdemeanor conviction. The court gave Dock another chance and

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 11.1.1.

restored his community control. The court again informed him that if he violated the community-control conditions, it would impose a prison sentence of two years.

On November 24, 2010, another community-control violation was filed against Dock. He was accused of obtaining another misdemeanor conviction, of testing positive for marijuana and cocaine, and of failing to provide verification of employment or of enrollment in fulltime schooling. The court again restored Dock's community control, conditioned upon his completion of the River City Correctional Center program. The court once again informed him that if he violated the conditions of his community control, it would impose a prison sentence of two years.

On January 3, 2011, a third community-control violation was filed against Dock for failing to successfully complete the River City program. On January 4, 2011, the court revoked Dock's community control and sentenced him to a prison term of two years.

In a single assignment of error, Dock argues that the trial court erred by imposing a sentence that was excessive, and therefore, contrary to law.

Once a community-control violation has been established, the court has discretion to revoke community control.² That decision will not be reversed absent an abuse of discretion.³

When reviewing a sentence, we first must determine whether the sentence was clearly and convincingly contrary to law.⁴ Although the court sentenced Dock to maximum one-year prison terms for each of the offenses, the sentences were within the applicable statutory range, and were, therefore, not contrary to law.

² R.C. 2929.15(B).

³ *State v. Dockery*, 187 Ohio App.3d 798, 2010-Ohio-2365, 933 N.E.2d 1155, ¶13.

⁴ *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, 896 N.E.2d 124, ¶26.

Next, we must determine whether the trial court abused its discretion in imposing the sentence.⁵ Dock had been warned three times, once at sentencing and then each time community control was restored, that if he violated the conditions of his community control, the court would impose a prison sentence of two years. Despite the explicit warnings, Dock continued to violate the community-control conditions. Consequently, we hold that the trial court's sentence was not unreasonable, arbitrary, or unconscionable.

We overrule the sole assignment of error and affirm the judgment of the trial court.

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.

SUNDERMANN, P.J., HENDON and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on August 24, 2011

per order of the Court _____
Presiding Judge

⁵ Id.