

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

STATE OF OHIO,	:	APPEAL NO. C-110306
Plaintiff-Appellee,	:	TRIAL NO. B-9800998
vs.	:	<i>JUDGMENT ENTRY.</i>
EARL BUCKNER,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

Defendant-appellant Earl Buckner appeals the judgment of the Hamilton County Court of Common Pleas imposing post-release control for two counts of trafficking in cocaine and one count of possessing cocaine.

Buckner was convicted of the offenses in 1998, and he was sentenced to a term of imprisonment. In 2010, the governor commuted Buckner's sentence and placed him on parole. Nonetheless, in an entry journalized April 29, 2011, the trial court imposed three years' post-release control.

In a single assignment of error, Buckner contends that the trial court erred in imposing post-release control.

After the governor commutes a prison term, "the commuted prison term shall be the only one in existence." R.C. 2967.01(C). Thus, a court is without authority to

**OHIO FIRST DISTRICT COURT OF APPEALS**

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modify the sentence. *State ex rel. Maurer v. Sheward*, 71 Ohio St.3d 513, 518, 1994-Ohio-496, 644 N.E.2d 369.

Accordingly, we sustain the assignment of error, reverse the judgment of the trial court, and vacate the imposition of post-release control.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**HILDEBRANDT, P.J., SUNDERMANN and FISCHER, JJ.**

To the clerk:

Enter upon the journal of the court on January 13, 2012

per order of the court \_\_\_\_\_.  
Presiding Judge