

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

STATE OF OHIO,	:	APPEAL NO. C-120671
	:	TRIAL NO. B-1203474
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
ANTWAN LYONS,	:	
	:	
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. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Following guilty pleas, defendant-appellant Antwan Lyons was convicted of having a weapon while under a disability, aggravated assault, and an accompanying firearm specification. The trial court sentenced him to an aggregate prison term of seven years, and this appeal followed.

In his first assignment of error, Lyons argues that the trial court improperly denied his request to retain new counsel. However, the record demonstrates that Lyons did not make a request for new counsel. And by entering guilty pleas, Lyons waived his right to make this challenge. *See State v. Spates*, 64 Ohio St.3d 269, 595 N.E.2d 351 (1992), paragraph two of the syllabus; *State v. Fitzpatrick*, 102 Ohio St.3d 321, 2004-Ohio-3167, 810 N.E.2d 927, ¶ 78.

In his second assignment of error, Lyons argues that his pleas were not made knowingly, voluntarily, or intelligently. Having reviewed the record, we conclude that the trial court fully complied with Crim.R. 11 in its colloquy with Lyons, and this his pleas were knowingly, voluntarily, and intelligently made. *See State v. Veney*, 120 Ohio St.3d 176, 2008-Ohio-5200, 897 N.E.2d 621; *State v. Hodges*, 1st Dist. No. C-110630, 2013-Ohio-1195, ¶ 20. We overrule the second assignment of error.

In his third assignment of error, Lyons argues that his sentences were contrary to law because the trial court failed to verbally announce its consecutive-sentence findings. But this was not necessary where the court used a sentencing-findings worksheet to document its findings. *See State v. Alexander*, 1st Dist. Nos. C-110828 and C-110829, 2012-Ohio-3349, ¶ 17.

Lyons also contends that the court failed to properly inform him of postrelease control at his sentencing hearing, as required by R.C. 2929.19(B)(2). During the plea colloquy, the court advised Lyons, and Lyons indicated that he understood, that he would be supervised on postrelease control for three years following his release from prison, and the court further advised him of the consequences for violating postrelease control. We hold that the postrelease control notification during the plea colloquy was sufficient for purposes of R.C. 2929.19(B)(2) because the trial court sentenced Lyons immediately after the plea colloquy; the plea and sentencing did not occur at separate hearings. *See State v. Brooks*, 103 Ohio St.3d 134, 2004-Ohio-4746, 814 N.E.2d 837, fn. 1.

Lyons also contends that his sentences were contrary to law because the trial court imposed court costs but failed to inform him, as required by R.C. 2947.23(A)(1), that community service could be imposed if he failed to pay the costs.

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We sustain the third assignment of error to the extent that the court failed to make the proper community-service notification. Accordingly, we vacate the imposition of costs, and remand the matter to the trial court to properly notify Lyons of the possibility of community service. *See State v. Dillard*, 1st Dist. No. C-120058, 2012-Ohio-4018, ¶ 8, citing *State v. Smith*, 131 Ohio St.3d 297, 2012-Ohio-781, 964 N.E.2d 423.

In all other respects, 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.

**HENDON, P.J., CUNNINGHAM and DEWINE, JJ.**

To the clerk:

Enter upon the journal of the court on May 29, 2013

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