

[Cite as *State v. Abrahamson*, 2010-Ohio-904.]

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State of Ohio,	:	
	:	No. 09AP-824
Plaintiff-Appellee,	:	(M.C. No. 2009 CRB 017520)
v.	:	
	:	(REGULAR CALENDAR)
Jason Abrahamson,	:	
	:	
Defendant-Appellant.	:	

D E C I S I O N

Rendered on March 11, 2010

Richard C. Pfeiffer, Jr., City Attorney, and *Melanie R. Tobias*,
for appellee.

Yeura R. Venters, Public Defender, and *David L. Strait*, for
appellant.

APPEAL from the Franklin County Municipal Court.

BROWN, J.

{¶1} Jason Abrahamson, defendant-appellant, appeals from a judgment of the Franklin County Municipal Court, in which the court found him guilty, pursuant to a plea of guilty, of assault, in violation of R.C. 2903.13, which is a first-degree misdemeanor.

{¶2} On July 23, 2009, appellant was charged with assault, a first-degree misdemeanor. On August 6, 2009, appellant pleaded guilty to the assault charge, and the trial court imposed a prison term of 180 days, with 150 days suspended and credit for

15 days, as well as a five-year term of probation. Appellant appeals the judgment of the trial court, asserting the following assignment of error:

The trial court erred in sentencing Defendant-Appellant without providing him with an opportunity to address the court as provided by Crim.R. 32(A)(1).

{¶3} Appellant argues in his sole assignment of error that the trial court erred when it sentenced him without providing him an opportunity to address the court. Crim.R. 32(A)(1) confers upon a criminal defendant an absolute right of allocution by requiring that the trial court, at the time of imposing sentence, "address the defendant personally and ask if he or she wishes to make a statement in his or her own behalf or present any information in mitigation of punishment." Crim.R. 32(A)(1). Here, the state concedes the trial court failed to afford appellant an opportunity to speak before imposing sentence, and our review of the transcript confirms such. The remedy for a trial court's failure to afford a defendant his Crim.R. 32(A)(1) right of allocution is to order resentencing. *State v. Campbell*, 90 Ohio St.3d 320, 2000-Ohio-183, paragraph three of the syllabus. Therefore, appellant's assignment of error is sustained.

{¶4} Accordingly, appellant's assignment of error is sustained, and the judgment of the Franklin County Municipal Court is reversed and remanded for resentencing after affording appellant an opportunity to address the court.

*Judgment reversed
and remanded for resentencing.*

TYACK, P.J., and FRENCH, J., concur.
