[Cite as *State v. Williamson*, 2020-Ohio-5369.]

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
WOOD COUNTY

State of Ohio

Appellee

v.

Terrance Williamson

Appellant

Court of Appeals Nos. WD-20-023
WD-20-024

Trial Court No. 2016CR0089

DECISION AND JUDGMENT

Decided: November 20, 2020

* * * * *

Paul A. Dobson, Wood County Prosecuting Attorney, and
David T. Harold, Assistant Prosecuting Attorney, for appellee.

Jeffrey P. Nunnari, for appellant.

* * * * *

PIETRYKOWSKI, J.

{¶ 1} Appellant, Terrance Williamson, appeals this consolidated appeal from the February 14, 2020 judgment of the Wood County Court of Common Pleas resentencing appellant with regard to his firearm specification convictions pursuant to our remand. *State v. Williamson*, 6th Dist. Wood No. WD-18-049, 2019-Ohio-4380, ¶ 63-68 (finding

the imposition of consecutive sentences for the firearm specification convictions was not mandatory). On January 2, 2020, appellant was resentenced. Appellant's sentence was reduced from 40 years and 6 months to 35 years and 6 months. Appellant filed an appeal and asserts a single assignment of error:

> THE TRIAL COURT ERRED AS A MATTER OF LAW BY SENTENCING APPELLANT TO A FIREARM SPECIFICATION ATTENDANT TO A WEAPONS UNDER DISABILITY CHARGE.

{¶ 2} The only part of the revised sentence being challenged is that the trial court imposed a one-year prison term for a firearm specification attendant to the one count of having weapons-under-disability. Appellant argues the factors under R.C. 2929.14(B)(1)(e)(i) and (ii) do not apply to appellant and, therefore, the trial court erred as a matter of law by imposing this sentence. However, because the firearm specifications were ordered to be served concurrently, the error does not impact appellant's total term of imprisonment. The state concedes that the trial court's sentence was contrary to law. We agree and find appellant's sole assignment of error well-taken.

{¶ 3} Having found the trial court did commit error prejudicial to appellant and that substantial justice has not been done, the judgment of the Wood County Court of Common Pleas is affirmed, in part, and reversed, in part. We hereby vacate the sentence of a one-year prison term for the firearm specification attendant to the weapons-under-disability conviction. In all other respects the sentence is affirmed. Appellant's

aggregate prison term remains the same because the prison terms imposed for all of the firearm specifications are to be served concurrently. Appellee is ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment affirmed, in part,
and reversed, in part.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. *See also* 6th Dist.Loc.App.R. 4.

Mark L. Pietrykowski, J. _____
JUDGE

Thomas J. Osowik, J. _____
JUDGE

Gene A. Zmuda, P.J. _____
CONCUR.
JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.supremecourt.ohio.gov/ROD/docs/.