

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

STATE OF OHIO,	:	APPEAL NOS. C-150711
		C-150712
Plaintiff-Appellee,	:	TRIAL NOS. 15CRB-11366A
		15CRB-11366B
vs.	:	
		<i>JUDGMENT ENTRY.</i>
MICAH REESE,	:	
Defendant-Appellant.	:	

We consider these appeals 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.

After entering pleas of no contest, defendant-appellant Micah Reese was found guilty of unlawful restraint under R.C. 2905.03 and sexual imposition under R.C. 2907.06. The trial court sentenced him to 60 days' incarceration for each offense, suspended 30 of those days, and ordered Reese to serve a two-year period of community control, including electronic monitoring, following his release from jail.

Reese now appeals. In his first assignment of error, he argues that the trial court violated the double jeopardy clause because his convictions for unlawful restraint and sexual imposition were allied offenses of similar import. And in his second assignment of error, Reese similarly argues that the trial court erred in not finding that these offenses were allied offenses of similar import. Reese has failed to

provide this court with a transcript of the proceedings from his plea hearing. Consequently, without the transcript necessary to resolve these assignments of error, Reese cannot demonstrate in the record the errors of which he complains. We must presume regularity in the trial court's proceedings. *See State v. Allen*, 5th Dist. Stark No. 2015CA00060, 2015-Ohio-3221, ¶ 17; *State v. Gonzales*, 151 Ohio App.3d 160, 2002-Ohio-4937, 783 N.E.2d 903, ¶ 21 (1st Dist.). Reese's first and second assignments of error are overruled.

In his third assignment of error, Reese argues that the prosecutor has the burden to show that the offenses of which he was convicted are not allied, and that the prosecutor failed to do so. We reject this argument on the authority of *State v. Washington*, 137 Ohio St.3d 427, 2013-Ohio-4982, 999 N.E.2d 661, ¶ 18.

Reese's third assignment of error is overruled, and the judgment of the trial court is affirmed.

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.

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

To the clerk:

Enter upon the journal of the court on August 19, 2016
per order of the court _____.
Presiding Judge