

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

STATE OF OHIO,	:	APPEAL NO. C-170384
Plaintiff-Appellee,	:	TRIAL NO. B-1603198
vs.	:	<i>JUDGMENT ENTRY.</i>
ANTONIO BUFFORD,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant pleaded guilty to one count of aggravated possession of fentanyl, a fifth-degree felony. He was sentenced to three years of community control and ordered to complete the Men’s Extended Program. After Bufford’s second community-control violation, this one for refusing to participate in the treatment program, the court imposed a 12 month prison term. Bufford appeals, claiming the court imposed the sentence without considering the purposes and principles of sentencing.

Before a reviewing court can modify or vacate a felony sentence, it must clearly and convincingly find that the sentence is contrary to law or that the record does not support the sentencing court’s findings. R.C. 2953.08(G)(2); *State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11 (1st Dist.). Although the trial court must consider the factors in R.C. 2929.11(A) and 2929.12 when sentencing the defendant, “[a] trial court

is not required to discuss the factors in R.C. 2929.11 and 2929.12 on the record, and we presume that the trial court considered these statutes unless the defendant demonstrates otherwise.” *State v. Taylor*, 1st Dist. Hamilton No. C-150488, 2016-Ohio-4548, ¶ 3.

Prior to imposing sentence, the trial court engaged in a lengthy discussion about Bufford’s violation and the treatment requirement. The court further stated that the defendant was not amenable to community-control sanctions, that the prison sentence was consistent with the purposes and principles of felony sentences, and that his probation officer had recommended a prison term. Because Bufford has not demonstrated that the trial court failed to consider the purposes and principles of sentencing, we overrule his assignment of error.

Accordingly, we affirm the trial court’s judgment.

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.

CUNNINGHAM, P.J., ZAYAS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on May 23, 2018

per order of the court _____.

Presiding Judge