

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

STATE OF OHIO	:	APPEAL NO. C-170428
	:	TRIAL NO. B-1702096
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
CORA HARRIS,	:	
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 Cora Harris appeals the five-year prison sentence imposed as a result of her guilty plea to felonious assault. In a single assignment of error, Harris argues that the trial court erred in sentencing her by failing to consider all the purposes and principles of sentencing.

R.C. 2953.08(G)(2) governs appellate review of felony sentences. This court will only modify or vacate a sentence under R.C. 2953.08(G)(2) if it clearly and convincingly finds that either the record does not support the mandatory sentencing findings or the sentence is otherwise contrary to law. *State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11 (1st Dist.). A trial court must consider certain statutes when sentencing a felony offender, including R.C. 2929.11, the purposes and principles of felony sentencing, and R.C. 2929.12, the seriousness and recidivism factors, but a trial court need not make specific findings under those statutes, and this court presumes the statutes were considered, in the absence of an affirmative

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demonstration by the defendant to the contrary. *State v. Hendrix*, 1st Dist. Hamilton Nos. C-150194 and C-150200, 2016-Ohio-2697, ¶ 51.

Harris argues that the trial court’s “personal hatred toward guns” was the “overriding factor at sentencing,” and that the trial court ignored the factors under R.C. 2929.12. At sentencing, the trial court acknowledged the danger inherent in situations involving firearms, especially when children are present, as they were in Harris’s case. The trial court further noted that Harris had caused the victim serious injury, because a bullet remained lodged in the victim’s head. *See* R.C. 2929.12(B)(2). As to mitigating factors, the trial court noted that Harris had owned the gun legally, and that Harris did not have a criminal record. *See* R.C. 2929.12(C)(4) and (E). Notably, the trial court imposed a five-year prison term, which was a year less than the term requested by the state, and three years less than the maximum. *See* R.C. 2929.14(A)(2). Therefore, the record demonstrates that the trial court considered several factors under R.C. 2929.12, and that Harris’s sentence is not contrary to law. *See White*.

We overrule the assignment of error, and 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. 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