

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

STATE OF OHIO,	:	APPEAL NO. C-170501
	:	TRIAL NO. B-1600629
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
JILLIAN TRUESDALE,	:	
	:	
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 Jillian Truesdale appeals her prison term of eight years for aggravated vehicular assault, a second-degree felony. In the sole assignment of error, Truesdale contends that the trial court disregarded the purposes and principles of sentencing and excessively punished her for failing to appear at her initial sentencing hearing.

Truesdale entered into a plea agreement with the state, and pleaded guilty to aggravated vehicular assault and operating a vehicle while impaired (“OVI”), a fourth-degree felony. The plea agreement included a joint recommendation of a three-and-a-half-year prison term. The trial court informed Truesdale that the sentencing recommendation would be accepted if Truesdale appeared for sentencing. The court warned her that if she failed to appear for sentencing, the court would impose an eight-year sentence of imprisonment on the aggravated vehicular assault and a 30-month

sentence of imprisonment on the OVI, with the sentences to be served consecutively. One week later, Truesdale failed to appear.

When Truesdale was sentenced five weeks later, the court imposed an eight-year sentence of imprisonment on the aggravated vehicular assault, a 30-month term of imprisonment on the OVI, and ordered the sentences to be served concurrently. Truesdale contends that the aggravated-vehicular-assault sentence is contrary to law because the trial court disregarded the overriding principles and purposes of felony sentencing by imposing a maximum sentence based solely on the fact that she did not appear at the initial sentencing hearing.

Although a court must consider the overriding principles of felony sentencing, the court need not make specific findings on the record, and we can presume that a court considered the factors, absent an affirmative demonstration in the record showing otherwise. *State v. Alexander*, 1st Dist. Hamilton Nos. C-110828 and C-110829, 2012-Ohio-3349, ¶ 24. A defendant's failure to appear may be considered by the court to assess a defendant's likelihood of recidivism. *See State v. Lowery*, 1st Dist. Hamilton No. C-030316, 2003-Ohio-5669, ¶ 22.

This record does not affirmatively demonstrate that the court failed to consider the principles and purposes of felony sentencing. In addition to the failure to appear, the record reflects that the victim suffered serious physical harm, Truesdale had numerous prior convictions, and she was driving while under an OVI suspension. Accordingly, we overrule Truesdale's sole assignment of error and affirm the judgment of the trial court.

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.

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

OHIO FIRST DISTRICT COURT OF APPEALS

To the clerk:

Enter upon the journal of the court on September 7, 2018

per order of the court _____.

Presiding Judge