

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

STATE OF OHIO,	:	APPEAL NO. C-180414
	:	TRIAL NO. B-1705451
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
GERALD STALLWORTH,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar. 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 Gerald Stallworth entered guilty pleas to one count of rape in violation of R.C. 2907.02(A)(1)(c) (“Count 2”) and four counts of rape in violation of R.C. 2907.02(A)(1)(a) (“Counts 5, 6, 11 and 12”). The victim was his girlfriend’s granddaughter, and these crimes occurred when the victim was between the ages of ten and 13.

After accepting Stallworth’s guilty pleas, the trial court imposed a four-year prison term for Count 2, concurrent eight-year prison terms for Counts 5 and 6, and concurrent eight-year prison terms for Counts 11 and 12. The trial court then ordered all the prison terms to be served consecutively for an aggregate sentence of 20 years. Stallworth now appeals his sentences, arguing in a single assignment of error, that his sentences are not supported in the record.

Under R.C. 2953.08(G)(2), an appellate court may modify or vacate a sentence if it clearly and convincingly finds that the record does not support the sentencing court’s

findings or that the sentence is otherwise contrary to law. *State v. Marcum*, 146 Ohio St.3d 516, 2016-Ohio-1002, 59 N.E.3d 1231, ¶ 22-23; *State v. White*, 2013-Ohio-4225, 997 N.E.2d 629 (1st Dist.).

Stallworth argues that the trial court, prior to imposing sentence, failed to make the required findings and failed to consider the seriousness and recidivism factors set forth in R.C. 2929.12 as well as the overriding purposes of felony sentencing set forth in R.C. 2929.11(A). We disagree.

First, the trial court made the required findings under R.C. 2929.14(C)(4) prior to imposing consecutive sentences and those findings are supported in the record. Second, the trial court specifically noted that it was considering the overriding purposes of felony sentencing—to protect the public from future crime by the offender and others and to punish the offender—while being mindful to use the minimum sanctions to accomplish those purposes without imposing an unnecessary burden on government resources. *See* R.C. 2929.11(A). And the trial court also made specific findings regarding the seriousness and recidivism factors under R.C. 2929.12. While the court found that Stallworth was remorseful and had no significant criminal history, it found more compelling the fact that Stallworth’s conduct was more serious than conduct normally constituting the offense of rape because of the serious psychological harm to the young victim and because of Stallworth’s relationship with the victim. The court noted that the relationship not only facilitated the offenses but also allowed Stallworth, who used emotional coercion and bribery, to keep the crimes secret for several years.

Because Stallworth has failed to demonstrate his sentences were clearly and convincingly contrary to law, we overrule his single assignment of error and affirm the trial court’s judgment.

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Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., BERGERON and WINKLER, J.J.

To the clerk:

Enter upon the journal of the court on May 24, 2019
per order of the court _____.
Presiding Judge