

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

STATE OF OHIO,	:	APPEAL NO. C-190444
	:	TRIAL NO. B-1804359
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
DOUGLAS DRAUD,	:	
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.

In June 2019 defendant-appellant Douglas Draud pleaded guilty to one count of breaking and entering under R.C. 2911.13(A) and four counts of burglary pursuant to R.C. 2911.12(A). The trial court then imposed 24-month sentences for each of the burglary convictions and a 12-month sentence on the breaking and entering. The 12-month sentence and two of the 24-month sentences were to run consecutively, with the two remaining 24-month sentences running concurrently, resulting in an aggregate five-year prison term.¹ Mr. Draud now appeals, raising a single assignment of error, challenging the trial court's imposition of the consecutive sentences. Mr. Draud specifically contends that the record does not support the trial court's imposition of consecutive sentences.

¹ The state mentions in passing that the sentencing entry contains a typographical error, but neither party affirmatively requests correction of this error. Moreover, the trial court retains jurisdiction to correct clerical mistakes. Crim.R.36.

Appellate courts may increase, reduce, or otherwise modify or vacate a sentence where the court finds “clearly and convincingly” that the record does not support the sentencing court’s findings in regard to certain statutorily mandated findings, or the sentence is contrary to law. R.C. 2953.08(G)(2); *State v. Marcum*, 146 Ohio St.3d 516, 2016-Ohio-1002, 59 N.E.3d 1231, ¶ 1. Imposition of consecutive sentences requires the trial court to state specific enumerated findings at sentencing and in its sentencing entry as provided by R.C. 2929.14(C)(4). *State v. Bonnell*, 140 Ohio St.3d 209, 2014-Ohio-3177, 16 N.E.3d 659, ¶ 37. On appeal, Mr. Draud concedes that the trial court made the required findings to impose consecutive sentences, but instead posits that the trial court’s findings were not supported by the record. In other words, Mr. Draud contends that his actions were not so severe as to warrant consecutive sentences and points to mitigating factors such as his genuine remorse, lack of a criminal record, and engagement in treatment to support this conclusion.

While the trial court recognized the mitigating factors in this case, it also noted the seriousness of the crimes in light of their impact on the victims. Mr. Draud’s convictions resulted from a crime spree motivated by his substance abuse, leaving multiple victims in its wake. The victims lost significant amounts of money, irreplaceable family heirlooms, and no longer felt safe in their own homes. One victim relocated as a result of being burglarized by Mr. Draud. In light of this, the record properly supports the trial court’s consecutive-sentence findings in regard to R.C. 2929.14(C)(4). Mr. Draud’s sole assignment of error is accordingly 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.

MYERS, P.J., BERGERON and CROUSE, JJ.

OHIO FIRST DISTRICT COURT OF APPEALS

To the clerk:

Enter upon the journal of the court on July 31, 2020 , per order of the court

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Presiding Judge