

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

STATE OF OHIO,	:	APPEAL NO. C-140614
	:	TRIAL NO. B-1202466B
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DONTAY SHAMEL,	:	
	:	
Defendants-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); Loc.R. 11.1.1.

Following a jury trial, defendant-appellant Dontay Shamel was convicted of money laundering under R.C. 1315.55(A)(1) and theft under R.C. 2913.02(A)(3). We find no merit in his three assignments of error, and we affirm his convictions.

In his first assignment of error, Shamel contends that the state's evidence was insufficient to support his convictions. Our review of the record shows that a rational trier of fact, after reviewing the evidence in a light most favorable to the prosecution, could have found that the state proved beyond a reasonable doubt all of the elements of money laundering and theft. Therefore, the evidence was sufficient to support the convictions, and we overrule Shamel's first assignment of error. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus; *State v. Ojile*, 1st Dist. Hamilton Nos. C-110677 and C-110678, 2012-Ohio-6015, ¶ 48.

In his second assignment of error, Shamel argues that his convictions were against the manifest weight of the evidence. After reviewing the record, we cannot say that the trier of fact lost its way and created such a manifest miscarriage of justice that we must reverse Shamel's convictions and order a new trial. Therefore, the convictions were not against the manifest weight of the evidence. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997); *State v. Carmen*, 1st Dist. Hamilton No. C-120692, 2013-Ohio-3325, ¶ 10.

Shamel argues that the testimony of the state's witnesses was not credible, but matters as to the credibility of witnesses are for the trier of fact to decide. *State v. Bryan*, 101 Ohio St.3d 272, 2004-Ohio-971, 804 N.E.2d 433, ¶ 116; *Ojile* at ¶ 56. Consequently, we overrule his second assignment of error.

In his third assignment of error, Shamel contends that the trial court erred in ordering him to pay restitution of \$25,027.96 to the victim. First, he argues that the record shows that he has no present or future ability to pay a financial sanction. This argument is not well taken.

R.C. 2929.19(B) requires a sentencing court, before imposing a financial sanction, to consider the offender's present and future ability to pay. *State v. Andrews*, 1st Dist. Hamilton No. C-110735, 2012-Ohio-4664, ¶ 30. The court need not holding a hearing, consider any factors, or make any specific findings on the record. But the record must contain some evidence showing that the court considered the offender's ability to pay. *Id.* at ¶ 30-31.

The record shows that the court considered Shamel's ability to pay and that, though he was sentenced to a prison term, he has the future ability to pay. As discussed at the sentencing hearing, Shamel is an intelligent person with leadership

ability. He managed and ran a complicated and sophisticated criminal enterprise. He recruited people for various jobs in the organization through his personal charisma, and he managed them on a daily basis. Thus, even though Shamel ran a criminal organization, he has marketable skills that could be applied to a legal endeavor. He was also employed during the time between his arrest and his conviction. Under the circumstances, we cannot hold that the trial court erred in finding that he has the ability to pay restitution.

Shamel further argues that the trial court erred in ordering restitution in an amount exceeding the economic loss suffered by the victim. First, he argues that because the jury found that the value of the property involved in the theft was more than \$1000 but less than \$7,500, the amount of restitution should have been limited to \$7,500. *See* R.C. 2913.02(B)(2). We disagree.

First, this argument overlooks any economic loss to the victim as a result of the conviction for money laundering. Second, the Ohio Supreme Court and this court have held that the amount of restitution is not limited to the property value that corresponds to the degree of the theft offense. *See State v. Lalain*, 136 Ohio St.3d 248, 2013-Ohio-3093, 994 N.E.2d 423, ¶ 24; *State v. Daniels*, 1st Dist. Hamilton No. C-150042, 2015-Ohio-5348, ¶ 24.

The record further shows that the amount of restitution was based on the victim's economic loss that was the direct and proximate result of Shamel's criminal acts. Consequently, we cannot hold that the trial court abused its discretion in determining the amount of restitution. *See Lalain* at paragraph one of the syllabus; *State v. Jackson*, 1st Dist. Hamilton No. C-140573, 2015-Ohio-3742, ¶ 3. We overrule Shamel's third assignment of error and affirm the trial court's judgment.

**OHIO FIRST DISTRICT COURT OF APPEALS**

---

A certified copy of this judgment entry constitutes the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**FISCHER, P.J., MOCK and STAUTBERG, JJ.**

To the clerk:

Enter upon the journal of the court on March 4, 2016  
per order of the court \_\_\_\_\_.  
Presiding Judge