

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

STATE OF OHIO,	:	APPEAL NO. C-070011
Plaintiff-Appellee,	:	TRIAL NO. B-0409846
vs.	:	
BERNARD REID,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant Bernard Reid appeals the sentences imposed by the trial court after this court remanded his case for resentencing² consistent with *State v. Foster*.³ Following a jury trial, Reid had been convicted “of murder, with a specification, two counts of felonious assault with specifications, and two counts of having a weapon while under disability with specifications.”⁴

“The trial court sentenced Reid to 15 years to life for the murder count, to three years for the specification accompanying the murder count, to eight years for each of the felonious assault counts, and to five years for one of the weapon-under-disability counts. The three-year term for the specification to the weapon-under-disability count was merged with the specification to the murder count. The sentences were to be served consecutively for a total of 39 years to life.”⁵

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² *State v. Reid*, 1st Dist. No. C-050465, 2006-Ohio-6450.

³ 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470.

⁴ *Reid*, supra, at ¶1.

⁵ *Reid*, supra, at ¶7.

Following our remand, the trial court held a new sentencing hearing where it imposed the same sentences that it had originally imposed. Reid now appeals. He raises a single “issue” for our review. Because we consider his counsel’s denomination of his argument as an “issue” to be the result of inadvertence, we address it as an “assignment of error” in the form contemplated by App.R. 16(A)(3).

In his sole assignment of error, Reid contends that the trial court violated his double-jeopardy rights by sentencing him to consecutive eight-year-prison terms for violating two separate subsections of the felonious-assault statute, when both convictions arose from a single act against a single victim. He maintains that the trial court should have only sentenced him for one of the felonious-assault offenses, instead of ordering consecutive sentences on the two counts.

Reid raised a similar argument in his first appeal when he contended that his two felonious-assault convictions involved allied offenses of similar import that should have been merged for sentencing purposes. We rejected that argument⁶ on the authority of *State v. Coach*.⁷ Because *Coach* remains the law in this district, we, overrule Reid’s sole assignment of error, and affirm the judgment of the court below.

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.

HILDEBRANDT, P.J., SUNDERMANN and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on December 12, 2007
per order of the Court _____
Presiding Judge

⁶ Id. at ¶20-21.

⁷ (May 5, 2000), 1st Dist. No. C-990349.