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

STATE OF OHIO,	:	APPEAL NO. C-070050 TRIAL NO. B-0608261
Plaintiff-Appellee,	:	*JUDGMENT ENTRY.*
vs.	:	
BERNARD CRAIG,	:	
Defendant-Appellant.	:	

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

Bernard Craig appeals his conviction for rape and the trial court's judgment adjudicating him a sexual predator. We conclude that neither of his assignments of error has merit, and we therefore affirm the judgment of the trial court.

Craig was indicted for the rape and kidnapping of a woman in 1993. On December 5, 2006, Craig pleaded guilty to the rape. The kidnapping charge was dismissed. Craig was sentenced under the pre-1996 sentencing guidelines to a term of 9 to 25 years and was adjudicated a sexual predator.

In his first assignment of error, Craig now asserts that the trial court erred when it adjudicated him a sexual predator. To determine whether Craig was a sexual predator, the trial court had to consider all relevant factors, including those listed in R.C. 2950.09(B)(3), to determine whether he was "likely to engage in the future in

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

one or more sexually oriented offenses."[2] The evidence that a defendant is a sexual predator must be clear and convincing.[3]

The trial court cited the following factors in making its determination: that there was evidence of personality disorders with antisocial features; that the victim was a stranger to Craig; that Craig had a criminal history; that he had a long history of drug and alcohol abuse; that, according to the Static-99 evaluation, he was at a moderate to high risk to reoffend; that he had an obsession with pornography; that he had anger and self-regulation problems; and that there was evidence of conflict with intimate partners. Although Craig had not committed a sexual offense after 1993, we conclude that the trial court's determination that Craig was likely to engage in one or more sexually oriented offenses in the future was not against the manifest weight of the evidence. The first assignment of error is overruled.

In his second assignment of error, Craig asserts that his sentence was contrary to law. He claims that the trial court abused its discretion in sentencing him to a term that was one year less than the maximum allowable term. Having reviewed the record, we conclude that the trial court did not abuse its discretion when it sentenced Craig to a prison term of 9 to 25 years. The second assignment of error is without merit.

We therefore affirm the judgment of the trial court.

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.

PAINTER, P.J., HILDEBRANDT and **SUNDERMANN, JJ.**

To the Clerk:

Enter upon the Journal of the Court on September 26, 2007
per order of the Court _____.
Presiding Judge

[2] R.C. 2950.09(B)(3); R.C. 2950.01(E)(1).
[3] R.C. 2950.09(B)(4).