

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

| | | |
|---------------------------------|---|------------------------|
| STATE OF OHIO, | : | APPEAL NO. C-080366 |
| Plaintiff-Appellee, | : | TRIAL NO. B-0707707 |
| vs. | : | <i>JUDGMENT ENTRY.</i> |
| KENNETH HAUGABOOK, ¹ | : | |
| Defendant-Appellant. | : | |

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.²

Kenneth Haugabook appeals his conviction for involuntary manslaughter, vehicular assault, failure to comply, and failure to stop after an accident. We conclude that his sole assignment of error has no merit, so we affirm the judgment of the trial court.

Haugabook pleaded guilty to involuntary manslaughter, aggravated vehicular homicide, vehicular assault, failure to comply with an order or signal of a police officer, and failure to stop after an accident. According to the statement of facts offered by the state during the plea hearing, the offenses were committed after Haugabook had attempted to avoid a sobriety checkpoint in Butler County. Haugabook made a U-turn to avoid the checkpoint, and a Butler County sheriff's

¹ The defendant-appellant's name also appears as Kenneth Haugabrook in portions of the record.

² See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

deputy pursued Haugabook to cite him for the illegal turn. Haugabook failed to stop, and a high-speed chase ensued. After he had passed into Hamilton County, Haugabook hit an SUV driven by Randall Specht. Specht's 18-month-old daughter sustained a fractured leg in the crash. Haugabook continued driving his car and hit a motorcycle driven by John Kallmeyer. Kallmeyer was killed by the impact. Haugabook then exited from his car and fled on foot. Haugabook was arrested shortly after.

The trial court accepted Haugabook's guilty pleas and ordered a presentence investigation. The presentence investigation revealed that Haugabook had an extensive record consisting of seven felony convictions, including two convictions for failure to comply, and 25 misdemeanors, including 16 convictions for driving without a license or driving under suspension. Haugabook had served three prisons terms and had failed on seven occasions to successfully complete probation. After hearing from Haugabook, his family, and the victims' families, the trial court sentenced Haugabook to ten years for involuntary manslaughter, five years for vehicular assault, five years for failure to comply, and five years for failing to stop after an accident. The sentences were consecutive for a total of 25 years' confinement. The aggravated-vehicular-homicide count was merged with the involuntary-manslaughter count. Additionally, the court imposed a lifetime driver's license suspension.

In his sole assignment of error, Haugabook asserts that the court erred when it sentenced him to 25 years. Our review of his sentence has two steps. First, we must determine whether the sentence was contrary to law.³ Then, if the sentence

³ *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, 896 N.E.2d 124, ¶14.

was not contrary to law, we must review the sentence to determine whether the trial court abused its discretion.⁴

Haugabook contends that his sentence was contrary to law, because it was inconsistent with and disproportionate to other sentences imposed for similar offenses. This contention is unavailing. The other cases cited by Haugabook do not compare with this case with respect to the number and circumstances of Haugabook's offenses and to his prior record. We conclude that Haugabook's sentences were not inconsistent or disproportionate. And the sentences imposed were within the statutory guidelines for the offenses. The sentences were not contrary to law, and the trial court did not abuse its discretion in imposing an aggregate sentence of 25 years. The sole assignment of error is overruled, and 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.

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

To the Clerk:

Enter upon the Journal of the Court on May 13, 2009
per order of the Court _____.
Presiding Judge

⁴ Id. at ¶17.