

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

STATE OF OHIO,	:	APPEAL NO. C-100578
Plaintiff-Appellee,	:	TRIAL NO. B-1001278-B
vs.	:	<i>JUDGMENT ENTRY.</i>
DUSTYN PENCE,	:	
Defendant-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.3(A), App.R. 11.1(E), and Loc.R. 11.1.1.

Following the trial court's denial of his motion to suppress, defendant-appellant Dustyn Pence entered no contest pleas to one count of illegal use of a minor in a nudity oriented material or performance, one count of unlawful sexual conduct with a minor, and three counts of pandering sexually oriented matter involving a minor. A tampering with the evidence charge was dismissed. The trial court found Pence guilty and sentenced him to a total of five years in prison. Pence now appeals.

In a single assignment of error, he argues that the trial court erred in denying his motion to suppress because the affidavit used to support the search warrant did not establish probable cause to search his residence.

But after reviewing the affidavit supporting the search warrant, we conclude that it contained sufficient information to support a “fair probability that contraband or evidence of a crime” would be found in Pence’s residence. See *State v. George*

OHIO FIRST DISTRICT COURT OF APPEALS

(1989), 45 Ohio St.3d 325, 544 N.E.2d 640, paragraph one of the syllabus. Because the search warrant that produced the evidence Pence moved to suppress was supported by probable cause, the trial court did not err in denying his motion to suppress. See *id.* at paragraph two of the syllabus; see, also, *State v. England*, 1st Dist. No. C-040253, 2005-Ohio-375, ¶10-14. As a result, we overrule Pence's sole assignment of error and affirm the judgment of the trial court.

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

DINKELACKER, P.J., HILDEBRANDT AND SUNDERMANN, JJ.

To the Clerk:

Enter upon the Journal of the Court on October 21, 2011

per order of the Court _____.
Presiding Judge