

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

STATE OF OHIO,	:	APPEAL NO. C-110325
	:	TRIAL NO. B-1007993
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
JOHN CASE,	:	
	:	
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); Loc.R. 11.1.1.

Following a jury trial, defendant-appellant John Case was convicted of felonious assault and an accompanying firearm specification. The trial court sentenced him to nine years' imprisonment. Case now appeals.

We consider Case's first, second, and third assignments of error together. In those assignments, Case challenges the weight and sufficiency of the evidence adduced to support his conviction, and he asserts that the trial court erred when it overruled his Crim.R. 29 motion for an acquittal.

Viewing the evidence in a light most favorable to the state, a rational trier of fact could have found the essential elements of felonious assault beyond a reasonable doubt. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. Furthermore, we cannot say that the trial court clearly lost its way and created a manifest miscarriage of justice in finding Case guilty. *State v.*

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*Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). We overrule the first three assignments of error.

In his fourth assignment of error, Case argues that his aggregate sentence of nine years' imprisonment was excessive. Case's six-year sentence for felonious assault was within the statutory range. *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470, paragraph seven of the syllabus. Further, the court was required by law to impose a three-year consecutive term for the firearm specification. R.C. 2941.145.

The trial court considered the facts adduced at trial, the applicable sentencing statutes, the information presented at sentencing, the presentence investigation report, statements from the victim and an investigating officer, letters that had been submitted, as well as Case's criminal history. On this record, we cannot say that the trial court acted unreasonably, arbitrarily, or unconscionably in imposing the sentence. We overrule the fourth assignment of error and affirm the judgment of the trial court.

Further, 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., HENDON and FISCHER, JJ.**

To the clerk:

Enter upon the journal of the court on January 27, 2012

per order of the court \_\_\_\_\_  
Presiding Judge