

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

STATE OF OHIO	:	APPEAL NO. C-120260
		TRIAL NO. B-1104238
Plaintiff -Appellee,	:	
		<i>JUDGMENT ENTRY.</i>
vs.	:	
WILLIAM FEARS,	:	
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. 2; App.R. 11.1.(E); 1st Dist. Loc.R. 11.1.1.

Following a jury trial, defendant-appellant Williams Fears was convicted of four counts of disrupting public services, each a violation of R.C. 2909.04(B). Fears was sentenced to an aggregate prison term of 36 months, and he now appeals, raising four assignments of error.

In his first and second assignments of error, Fears challenges the sufficiency and weight of the evidence. Upon reviewing the record, however, we conclude that the trier of fact, after viewing the evidence in a light most favorable to the prosecution, could have found that the state had proved beyond a reasonable doubt each element of the four counts of disrupting public services. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. Moreover, we

cannot say that the trier of fact lost its way and created such a manifest miscarriage of justice that we must reverse his convictions and order a new trial. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). Consequently, the first and second assignments of error are overruled.

In his third assignment of error, Fears argues that he was deprived of the effective assistance of trial counsel. He has, however, failed to demonstrate that his counsel's performance fell below an objective standard of reasonable performance and that prejudice arose from counsel's performance. *See Strickland v. Washnigton*, 466 U.S. 668, 686, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). The third assignment of error is, therefore, overruled.

In his fourth assignment of error, Fears argues that his convictions should have merged under R.C. 2941.25. The record indicates, however, that Fears committed his offenses separately. *See State v. Campbell*, 1st Dist. No. C-090875, 2012-Ohio-4231, ¶ 5, citing *State v. Bickerstaff*, 10 Ohio St.3d 62, 461 N.E.2d 892 (1984). The fourth assignment of error is, therefore, overruled.

Accordingly, the judgment of the trial court is affirmed.

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., DINKELACKER and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on January 25, 2013
per order of the court _____.
Presiding Judge