

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

STATE OF OHIO,	:	APPEAL NO. C-130609
	:	TRIAL NO. B-1205637
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
JOSEPH CRAWFORD,	:	
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 bench trial, defendant-appellant Joseph Crawford was convicted of felonious assault under R.C. 2903.11(A)(1). He has filed a timely appeal from that conviction. We find no merit in his two assignments of error, and we affirm the trial court's judgment.

In his first assignment of error, Crawford argues that the evidence was insufficient to support his conviction. Our review of the record shows that a rational trier of fact, after viewing the evidence in a light most favorable to the prosecution, could have found that the state proved beyond a reasonable doubt all of the elements of felonious assault. Therefore the evidence was sufficient to support the conviction. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus; *State v. Ojile*, 1st Dist. Hamilton Nos. C-110677 and C-10678, 2012-Ohio-6015, ¶ 48.

Crawford also contends that his conviction was against the manifest weight of the evidence. After reviewing the record, we cannot say that the trier of fact lost its way and created such a manifest miscarriage of justice that we must reverse Crawford's conviction and order a new trial. Therefore, the conviction was not against the manifest weight of the evidence. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997); *State v. Glenn*, 1st Dist. Hamilton No. C-030356, 2004-Ohio-1489, ¶ 32.

Crawford primarily argues that the victim's testimony was not credible. But matters as to the credibility of evidence are for the trier of fact to decide. *State v. Bryan*, 101 Ohio St.3d 272, 2004-Ohio-971, 804 N.E.2d 433, ¶ 115; *State v. Thomas*, 1st Dist. Hamilton No. C-120561, 2013-Ohio-5386, ¶ 48. Consequently, we overrule Crawford's first assignment of error.

In his second assignment of error, Crawford contends that the trial court erred in sentencing him. He argues that the two-year prison term the trial court imposed violated the provisions of Ohio's sentencing statutes. This assignment of error is not well taken.

Under R.C. 2929.13(D)(1), a presumption exists in favor of a prison term for a second-degree felony. Further, the sentence imposed by the trial court fell within the statutory range for a second-degree felony. *See* R.C. 2929.14(A)(2). The record shows that the trial court considered the purposes and principles of sentencing and the various factors under R.C. 2929.11 and 2929.12. *See State v. Alexander*, 1st Dist. Hamilton Nos. C-110828 and C-110829, 2012-Ohio-3349, ¶ 23. On the record before us, we cannot say that Crawford's sentence was clearly and convincingly contrary to law. *See State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11-13 (1st Dist.).

Crawford also argues that the sentence constituted cruel and unusual punishment in violation of the United States Constitution. Generally, a sentence that falls within the terms of a valid statute cannot amount to cruel and unusual punishment. *McDougle v. Maxwell*, 1 Ohio St.2d 68, 69, 203 N.E.2d 334 (1964); *State v. Dieterle*, 1st Dist. Hamilton No. C-070796, 2009-Ohio-1888, ¶ 43. The sentence was not so disproportionate to the offense as to shock the community's sense of justice. Therefore, the sentence did not violate the Eighth Amendment prohibition against cruel and unusual punishment. *See State v. Weitbrecht*, 86 Ohio St.3d 368, 370-371, 715 N.E.2d 167 (1999); *Dieterle* at ¶ 43. We overrule Crawford's second assignment of error and affirm his conviction.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., DINKELACKER and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on June 27, 2014
per order of the court _____.
Presiding Judge