

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

STATE OF OHIO,	:	APPEAL NO. C-140116
	:	TRIAL NO. B-1302502
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
JAMES FOX,	:	
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.

Defendant-appellant James Fox appeals from the judgment of the Hamilton County Court of Common Pleas convicting him, upon his guilty plea, of one count of procuring a prostitute in violation of R.C. 2907.23(A)(2). Because the prostitute was 17 years of age, the offense was a fifth-degree felony. The trial court sentenced Fox to ten months' incarceration.

We overrule Fox's first assignment of error, challenging his sentence under R.C. 2953.08(G)(2), because the trial court was not required to make any statutory findings before imposing a prison term, *see* R.C. 2929.13(B)(1)(b)(v), and we do not clearly and convincingly find that the sentence, which was within the statutory range for the offense, was contrary to law. *See State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11 (1st Dist.).

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We can ordinarily presume that the trial court considered all relevant seriousness and recidivism factors unless the defendant affirmatively demonstrates otherwise. *See State v. Kennedy*, 2013-Ohio-4221, 998 N.E.2d 1189, ¶ 118 (1st Dist.). But we do not need to rely on the presumption in this case; the court expressed that it had considered the relevant statutory factors when it determined that a ten-month prison term was warranted in light of the nature of the offense and the defendant's persistent criminal history, despite the mitigating factors raised by Fox.

We overrule Fox's second assignment of error, challenging his sentence as an abuse of the sentencing court's discretion, because this court no longer reviews felony sentences under an abuse-of-discretion standard. *See White* at ¶ 9.

Therefore, we affirm the trial court's judgment.

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.

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

To the clerk:

Enter upon the journal of the court on October 29, 2014

per order of the court _____.

Presiding Judge