

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

STATE OF OHIO,	:	APPEAL NOS. C-140688
		C-140689
Plaintiff-Appellee,	:	TRIAL NOS. B-1307236
		B-1403814
vs.	:	
		<i>JUDGMENT ENTRY.</i>
DQUAN SIMS,	:	
Defendant-Appellant.	:	

We consider these appeals 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.

In the case numbered B-1403814, defendant-appellant Dquan Sims pled guilty to the offense of carrying a concealed weapon with a forfeiture specification and was sentenced to 17 months' imprisonment. When he committed that offense, Sims had been serving a period of community control, for which the underlying offense had also been a conviction for carrying a concealed weapon. Consequently, in the case numbered B-1307236, Sims pled guilty to a community-control violation and was sentenced to nine months' imprisonment. These sentences were made consecutive, resulting in an aggregate sentence of 26 months' imprisonment.

Sims now appeals. In three assignments of error, he challenges the sentences imposed by the trial court. He first argues that the trial court erred by imposing a

sentence that was not supported by the findings in the record. This contention is without merit. Under R.C. 2953.08(G)(2), we find that the record supports the trial court's findings, and that all sentences imposed fell within the available statutory ranges and were not otherwise contrary to law. *See State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11 (1st Dist.). The first assignment of error is overruled.

In his second assignment of error, Sims contends that the trial court erred in making his sentences consecutive. He concedes that the trial court made the required findings to impose consecutive sentences under R.C. 2929.14(C), but argues that those findings were not supported by the record. We determined in our response to Sims' first assignment of error that the trial court's sentencing findings were supported by the record. While on community control for committing the offense of carrying a concealed weapon, Sims was again convicted of that same offense. He was arrested after an officer witnessed him fire a weapon into the air and discovered, upon a search incident to arrest, a .38 special revolver on Sims' person. With respect to Sims' community-control violation, in addition to committing the offense of carrying a concealed weapon, Sims had failed to provide an accurate address, failed to make consistent payments towards his court-imposed debt, and failed to provide employment verification. We cannot find that the trial court's consecutive-sentence findings were not clearly and convincingly supported by the record. The second assignment of error is overruled.

In his third assignment of error, Sims argues that the trial court erred by imposing a sentence without considering the seriousness and recidivism factors in R.C. 2929.12. This is not a fact-finding statute, and in the absence of an affirmative demonstration to the contrary, we presume that the trial court considered the relevant statutory factors. *See State v. Kennedy*, 2013-Ohio-4221, 998 N.E.2d 1189,

¶ 118 (1st Dist.). Here, the trial court stated on the record that it had specifically considered the factors in R.C. 2929.12. The court was deliberate and thoughtful in its imposition of sentence. It explained its reasoning thoroughly, and we cannot conclude that the trial court failed to consider these factors. The third assignment of error is overruled, and the judgments of the trial court are affirmed.

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.

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

To the clerk:

Enter upon the journal of the court on September 11, 2015
per order of the court _____.
Presiding Judge