

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

STATE OF OHIO,	:	APPEAL NO. C-190180
	:	TRIAL NO. B-1807157
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
CHARLES E. SLAUGHTER,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Charles E. Slaughter appeals from the trial court's judgment imposing an aggregate prison term of 36 months for the offenses of having weapons while under a disability and receiving stolen property. The court imposed the prison terms after Slaughter rejected the option of placement in a residential community-control program at the River City Correctional Center in lieu of prison.

Slaughter does not contend that the imposition of the prison terms would be unwarranted based on his record and the offenses. Instead, in his sole assignment of error, he argues the process the trial court employed in selecting prison contravened the provisions of R.C. 2929.11 and 2929.12, resulting in sentences that were contrary to law.

Because there are no fact-finding statutes involved, this court's review on appeal is limited to whether we clearly and convincingly find that Slaughter's

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sentences were contrary to law. *See* R.C. 2953.08(G)(2); *State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11 (1st Dist.). The trial court must consider R.C. 2929.11 and 2929.12 when sentencing an offender, and its failure to do so renders the sentence contrary to law. *See White* at ¶ 12-13. In the absence of an affirmative demonstration by the defendant to the contrary, however, we may presume that the trial court considered those statutes when sentencing. *See State v. Chandler*, 1st Dist. Hamilton No. C-190153, 2020-Ohio-164, ¶ 8.

The record shows that the trial court, having decided that community control without a residential component was not appropriate, gave Slaughter, a recidivist, the option of River City instead of prison if he was willing to commit to the programing. Because Slaughter picked prison, the court imposed a prison term. The sentence-selection process used by the trial court is consistent with the provisions of R.C. 2929.11 and 2929.12, which require the court to balance multiple factors, including the potential for the sanction to rehabilitate the offender without wasting limited government resources. Thus, the record shows only that the trial court properly considered R.C. 2929.11 and 2929.12 when sentencing Slaughter.

The sentences imposed were not contrary to law. Accordingly, we overrule the assignment of error and affirm the trial court’s judgment.

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.

**MYERS, P.J., CROUSE and WINKLER, JJ.**

To the clerk:

Enter upon the journal of the court on February 5, 2020  
per order of the court \_\_\_\_\_.  
Presiding Judge