

[Cite as *State v. Steinbrunner*, 2009-Ohio-5978.]

COURT OF APPEALS
ASHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

JEREMY M. STEINBRUNNER

Defendant-Appellant

JUDGES:

Hon. Sheila G. Farmer, P.J.

Hon. W. Scott Gwin, J.

Hon. Julie A. Edwards, J.

Case No. 09COA001

O P I N I O N

CHARACTER OF PROCEEDING:

Appeal from the Court of Common Pleas,
Case No. 08CRI116

JUDGMENT:

Affirmed

DATE OF JUDGMENT ENTRY:

November 10, 2009

APPEARANCES:

For Plaintiff-Appellee

PAUL T. LANGE
307 Orange Street
Ashland, OH 44805

For Defendant-Appellant

DOUGLAS A. MILHOAN
P.O. Box 347
Middlebranch, OH 44652

Farmer, P.J.

{¶1} On October 3, 2008, the Ashland County Grand Jury indicted appellant, Jeremy Steinbrunner, on one count of receiving stolen property in violation of R.C. 2913.51, a fifth degree felony. On same date, appellant pled guilty to the count. A sentencing hearing was held on November 24, 2008. By judgment entry filed December 3, 2008, the trial court sentenced appellant to twelve months in prison.

{¶2} Appellant filed an appeal and this matter is now before this court for consideration. Assignment of error is as follows:

I

{¶3} "THE IMPOSITION OF A PRISON SENTENCE IN THIS CASE IMPOSES AN UNNECESSARY BURDEN ON STATE RESOURCES."

I

{¶4} Appellant claims his sentence of twelve months imposes an unnecessary burden on state resources in contravention of R.C. 2929.13(A). We disagree.

{¶5} R.C. 2929.13 governs sentencing guidelines for various specific offenses and degrees of offenses. Subsection (A) states as follows in pertinent part:

{¶6} "Except as provided in division (E), (F), or (G) of this section and unless a specific sanction is required to be imposed or is precluded from being imposed pursuant to law, a court that imposes a sentence upon an offender for a felony may impose any sanction or combination of sanctions on the offender that are provided in sections 2929.14 to 2929.18 of the Revised Code. The sentence shall not impose an unnecessary burden on state or local government resources."

{¶7} As we noted in *State v. Ferenbaugh* (February 26, 2004), Ashland App. No. 03COA038, 2004-Ohio-977, "[t]he very language of the cited statute grants trial courts discretion to impose sentences. Nowhere within the statute is there any guideline for what an 'unnecessary burden' is."

{¶8} Appellant argues he "accepted responsibility for his actions by pleading guilty. The crime did not involve weapons, violence or threats. The Appellant and (sic) expressed remorse and concern for the victims." Appellant's Brief at 7. Therefore, appellant argues a twelve month sentence on a fifth degree felony imposes an unnecessary burden on state resources.

{¶9} The record indicates appellant has a lengthy criminal record, including a juvenile history. T. at 9. The trial court noted appellant had a "really long record for somebody who's only 24 years old." T. at 10. In fact, appellant had appeared before the same judge who had given appellant prison time for another offense, "got out on PRC, you were a violator at large. After that sentencing, subsequently committed this offense, subsequently committed the Medina County felony." T. at 9. Based upon these facts, we find the least impact on local and state government resources in this case would be imprisonment.

{¶10} Upon review, we find no evidence to indicate the sentence in this case is an unnecessary burden on state resources.

{¶11} The sole assignment of error is denied.

{¶12} The judgment of the Court of Common Pleas of Ashland County, Ohio is hereby affirmed.

By Farmer, P.J.

Gwin, J. and

Edwards, J. concur.

s/ Sheila G. Farmer

s/ W. Scott Gwin

s/ Julie A. Edwards

JUDGES

SGF/db 1023

