IN THE COURT OF APPEALS OF LUCAS COUNTY

State of Ohio Court of Appeals No. L-01-1359

Appellee Trial Court No. CR-01-1818

v.

Kevin Smoot

DECISION AND JUDGMENT ENTRY

Appellant Decided: May 17, 2002

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and Michael J. Loisel, Assistant Prosecuting Attorney, for appellee.

Carol L. Damrauer, for appellant.

* * * * *

KNEPPER, J.

- {¶1} This is an appeal from a judgment of the Lucas County Court of Common Pleas that found appellant guilty of one count of breaking and entering, a fifth-degree felony, and imposed the maximum sentence of twelve months in prison. Pursuant to 6th Dist.Loc.App.R. 12(C), we sua sponte assign this case to the accelerated calendar.
- $\{\P2\}$ Appellant argues in support of his appeal that the trial court erred by imposing the maximum sentence of twelve months without making the required findings pursuant to R.C. 2929.14(C). This court has thoroughly reviewed the record of proceedings in the trial court, including the transcript of sentencing and the court's judgment entry. Upon consideration thereof, we find that, in support of its decision to impose the maximum sentence and in

accordance with R.C. 2929.14(C), the trial court considered appellant's prior convictions for breaking and entering and robbery, as well as the fact that appellant committed the instant offense while on community control. See <u>State v. Kessinger</u> (Sept. 14, 2001), Erie App. No. E-00-055. Accordingly, appellant's sole assignment of error is not well-taken.

 $\{\P 3\}$ On consideration whereof, this court finds that appellant was not prejudiced and the judgment of the Lucas County Court of Common Pleas is affirmed. Costs of this appeal are assessed to appellant.

	JUDGMENT AFFIRMED
James R. Sherck, J.	TUDGE
Richard W. Knepper, J.	JUDGE
Mark L. Pietrykowski, P.J. CONCUR.	JUDGE
	JUDGE