

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-09-1229

Appellee

Trial Court No. CR0200902005

v.

Ronald L. Harris

DECISION AND JUDGMENT

Appellant

Decided: April 9, 2010

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and
Evy Jarrett, Assistant Prosecuting Attorney, for appellee.

Catherine Sheehy, for appellant.

* * * * *

SINGER, J.

{¶ 1} Appellant appeals his sentence, entered following a conviction for robbery in the Lucas County Court of Common Pleas.

{¶ 2} Appellant, Ronald Harris, was arrested and initially charged with robbery as a second degree felony. He entered a plea of not guilty, but before the matter

proceeded to trial agreed to enter a plea of no contest to robbery as a third degree felony. The trial court sentenced appellant to a four year term of incarceration.

{¶ 3} Appellant now appeals. In a single assignment of error, appellant asserts that the trial court abused its discretion in imposing upon him a sentence that was not the least authorized by law.

{¶ 4} Pursuant to 6th Dist.Loc.App.R. 12(A), we sua sponte transfer this matter to our accelerated docket and hereby render our decision.

{¶ 5} In analyzing a criminal sentence on appeal, we must first ensure that the trial court has adhered to all the applicable statutes and rules in imposing sentence. This is a purely legal question, " * * * only to determine whether it is clearly and convincingly contrary to law * * * ." *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, ¶ 14. If, for example, the sentence is outside the perimeters of the permissible statutory range, the sentence cannot stand. *Id.* at ¶ 15.

{¶ 6} "Assuming the trial court has complied with the applicable rules and statutes, the exercise of its discretion in selecting a sentence within the permissible statutory range is subject to review for abuse of discretion * * * ." *Id.* at ¶ 17. An abuse of discretion is more than an error of law or judgment, the term connotes that the court's attitude is arbitrary, unreasonable or unconscionable. *State v. Adams* (1980), 62 Ohio St.2d 151, 157.

{¶ 7} Appellant makes no assertion that his four year sentence is outside the permissible range of sentences for a third degree felony. Neither does he suggest that this sentence is in any other manner contrary to law.

{¶ 8} In its sentencing entry, the trial court states that it has considered the record, statements to the court and the presentence investigation report, as well as the sentencing considerations contained in R.C. 2929.11 and 2929.12. We have similarly reviewed these elements and find nothing that would suggest that the court's sentencing decision was arbitrary, unreasonable or unconscionable.

{¶ 9} Accordingly, appellant's sole assignment of error is not well-taken.

{¶ 10} On consideration whereof, the judgment of the Lucas County Court of Common Pleas is affirmed. It is ordered that appellant pay court costs of this appeal pursuant to App.R. 24.

JUDGMENT AFFIRMED.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See, also, 6th Dist.Loc.App.R. 4.

Peter M. Handwork, J.

JUDGE

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, J.

CONCUR.

JUDGE

<p>This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.sconet.state.oh.us/rod/newpdf/?source=6.</p>
