

IN THE COURT OF APPEALS  
TWELFTH APPELLATE DISTRICT OF OHIO  
CLERMONT COUNTY

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, : CASE NO. CA2004-10-080  
 :  
 - vs - : O P I N I O N  
 : 7/11/2005  
 :  
 JERRY ALLEN BAKER, :  
 :  
 Defendant-Appellant. :

CRIMINAL APPEAL FROM CLERMONT COUNTY COURT OF COMMON PLEAS  
Case No. 2003 CR 00975

Donald W. White, Clermont County Prosecuting Attorney, David H. Hoffmann, 123 North Third Street, Batavia, Ohio 45103-3033, for plaintiff-appellee

R. Daniel Hannon, Clermont County Public Defender, Robert F. Benintendi, 10 South Third Street, Batavia, Ohio 45103, for defendant-appellant

**WALSH, J.**

{¶1} Defendant-appellant, Jerry Allen Baker, appeals the consecutive prison terms he received after pleading guilty to misuse of a credit card.

{¶2} The Clermont County Grand Jury indicted appellant on eight counts of property-related offenses. As part of a plea

agreement, all charges, except for a fifth-degree felony charge of misuse of a credit card, were dismissed. Appellant pled guilty to the remaining charge and the trial court sentenced appellant to 12 months in prison, to be served consecutive to another 12-month term imposed in another case.

{¶3} On appeal, appellant's sole assignment of error claims that the trial court erred by imposing consecutive sentences.

{¶4} Appellant argues that the imposition of consecutive sentences violates his Sixth Amendment right to a trial by jury under the holding in Blakely v. Washington (2004), 542 U.S. \_\_\_\_, 124 S.Ct. 2531.<sup>1</sup>

{¶5} We find that the trial court's sentence does not violate appellant's constitutional right to a trial by jury. This court has determined that Blakely does not apply to the imposition of consecutive sentences under Ohio's felony sentencing law. State v. Burns, Butler App. No. CA2004-05-117, 2005-Ohio-2499, ¶3; State v. Collier, Butler App. No. CA2003-11-282, 2005-Ohio-944, ¶41.

{¶6} For these reasons, appellant's sole assignment of error is hereby overruled.

{¶7} Judgment affirmed.

YOUNG and BRESSLER, JJ., concur.

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1. Appellant concedes that the trial court made the necessary statutory findings under R.C. 2929.14(E)(4) in order to impose consecutive sentences.



[Cite as *State v. Baker*, 2005-Ohio-3510.]