

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

STATE OF OHIO, :
 :
Plaintiff-Appellee, : CASE NO. CA2000-09-178
 :
- vs - : JUDGMENT ENTRY
 : (Accelerated Calendar)
 : 3/5/2001
ALISSA BARNES aka JONES, :
 :
Defendant-Appellant. :

This cause is an accelerated appeal from appellant's convictions in the Butler County Court of Common Pleas for possession of cocaine, illegal use or possession of drug paraphernalia, escape, and resisting arrest.

The first assignment of error is overruled for reason that the trial court's decision to impose consecutive sentences was supported by clear and convincing evidence and is not contrary to law. See State v. Garcia (1998), 126 Ohio App.3d 485, 487; R.C. 2929.14(E)(4); R.C. 2953.08(G)(1). The trial court had the authority to amend its sentence and impose a more severe punishment at any time before the execution of the initial sentence commenced. See State v. Bruce (1994), 95 Ohio App.3d 169; Columbus v. Messer (1982), 7 Ohio App.3d 266. Although a court cannot impose a more severe punishment for vindictive or

improper reasons, Messer at 268, we find no vindictive or improper motivation on the part of the trial court.

The second assignment of error is overruled for reason that the trial court's decision not to impose the shortest prison term on count one, possession of cocaine, is supported by clear and convincing evidence and is not contrary to law. See Garcia at 487; R.C. 2925.11(C)(4)(a); R.C. 2929.12(D)(1); R.C. 2929.13(B)(1)(h), (B)(2)(a) and (E)(1); R.C. 2929.14(A)(5) and (B); R.C. 2953.08(G)(1). The trial court does not need to provide its underlying reasons for finding that a term greater than the minimum should be imposed. State v. Edmonson (1999), 86 Ohio St.3d 324, syllabus. Instead, it is sufficient that the record reflects that the trial court engaged in the statutory analysis and determined that one or both of the exceptions under R.C. 2929.14(B) warranted a sentence greater than the minimum. Edmonson at 326.

Upon consideration of the foregoing, the trial court's decision is affirmed.

Pursuant to App.R. 11.1(E), this entry shall not be relied upon as authority and will not be published in any form.

A certified copy of this judgment entry shall constitute the mandate pursuant to App. R. 27. Costs to be taxed to appellant.

William W. Young, Presiding Judge

Anthony Valen, Judge

James E. Walsh, Judge