

**IN THE COURT OF APPEALS OF OHIO  
SECOND APPELLATE DISTRICT  
CHAMPAIGN COUNTY**

STATE OF OHIO	:	
	:	Appellate Nos. 08-CA-17
Plaintiff-Appellee	:	
	:	Trial Court Case No. 2007-CR-288
v.	:	
	:	(Criminal Appeal from
STEVEN A. LATHAM	:	Common Pleas Court)
	:	
Defendant-Appellant	:	
	:	

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**OPINION**

Rendered on the 17<sup>th</sup> day of July, 2009.

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BROGAN, J.

{¶ 1} Steven A. Latham appeals from his conviction and sentence following a guilty plea to three counts of fifth-degree felony forgery. Following the plea, the trial court imposed concurrent twelve-month prison sentences.

{¶ 2} In his sole assignment of error, Latham contends the trial court erred in

sentencing him to prison for twelve months because the record does not reflect that he committed the worst form of the offense and the trial court made no such finding.

{¶ 3} In support of his argument, Latham relies exclusively on R.C. 2929.14(C), which provides, among other things, that a trial court may impose a maximum sentence on an offender who commits the worst form of his offense. Latham contends the aggregate monetary value of his three forgeries was \$155. In light of this relatively small amount, he reasons that his crimes were not the worst form of the offense. He also points out the trial court failed to make any finding that he committed the worst form of the offense.

{¶ 4} Upon review, we find no merit in Latham's argument. In *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, the Ohio Supreme Court declared R.C. 2929.14(C) unconstitutional and severed it from the Revised Code. As a result, there was no need for a judicial finding that Latham committed the worst form of his offense. In the wake of *Foster*, "trial courts have full discretion to impose any sentence within the applicable statutory range and are no longer required to make findings or give their reasons for imposing maximum \* \* \* sentences." *State v. Cline*, Champaign App. No. 07CA02, 2008-Ohio-1866, ¶118. Nowhere in his one-page argument does Latham assert that the trial court abused its discretion in imposing concurrent twelve-month sentences based on the facts it cited. His only argument is that he did not commit the worst form of his offense, which is a non-issue after *Foster*. The trial court stated it considered the principles of sentencing in imposing Latham's sentence. Accordingly, Latham's assignment of error is overruled, and the judgment of the Champaign County Common Pleas Court is affirmed.

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FAIN and FROELICH, JJ., concur.

Copies mailed to:

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Hon. Roger B. Wilson