

**IN THE COURT OF APPEALS OF OHIO  
THIRD APPELLATE DISTRICT  
LOGAN COUNTY**

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**STATE OF OHIO,**

**PLAINTIFF-APPELLEE,**

**CASE NO. 8-14-05**

**v.**

**JASON V. MENDIOLA,**

**OPINION**

**DEFENDANT-APPELLANT.**

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**Appeal from Logan County Common Pleas Court  
Trial Court No. CR13050122**

**Judgment Affirmed**

**Date of Decision: May 4, 2015**

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**APPEARANCES:**

***Eric M. Hedrick* for Appellant**

**WILLAMOWSKI, J.**

{¶1} Defendant-appellant Jason V. Mendiola (“Mendiola”) brings this appeal from the judgment of the Court of Common Pleas of Logan County. On appeal, Mendiola challenges the sentence imposed by the trial court. For the reasons set forth below, the judgment is affirmed.

{¶2} On May 14, 2013, the Grand Jury of Logan County indicted Mendiola on three counts: 1) Burglary in violation of R.C. 2911.12(A)(3), a felony of the third degree; 2) Burglary in violation of R.C. 2911.12(A)(3), a felony of the third degree; and 3) Breaking and Entering in violation of R.C. 2911.13(A), a felony of the fifth degree. Doc. 1. An arraignment hearing was held on May 28, 2013, and Mendiola entered pleas of not guilty. Doc. 16. A jury trial was held on March 29 and 30, 2014. Doc. 139 and 140. The jury found Mendiola guilty as to Count 1, but not guilty as to Counts 2 and 3. Doc. 107.

{¶3} On March 31, 2014, a sentencing hearing was held. Doc. 111. The trial court imposed a sentence of three years in prison. *Id.* Mendiola filed his notice of appeal on April 9, 2014. Doc. 125. On appeal, Mendiola raises one assignment of error.<sup>1</sup>

**The trial court committed reversible error by failing to consider and apply the sentencing guidelines as required by [R.C. 2929.11 and 2929.12], and in violation of [Mendiola’s] rights under the**

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<sup>1</sup> The State has chosen not to participate in this appeal and has not filed a brief in response to Mendiola’s assignment of error.

**Fourteenth Amendment to the United States Constitution, and  
Section 16, Article I of the Ohio Constitution.**

{¶4} The sole assignment of error raised by Mendiola is that the trial court failed to consider and apply the sentencing guidelines as set forth in R.C. 2929.11 and R.C. 2929.12. A trial court's sentence will not be overturned on appeal if it is supported by the record, the statutory procedures were followed, and it is not contrary to law. *State v. Fletcher*, 3d Dist. Auglaize No. 2-13-02, 2013-Ohio-3076. When the record indicates that the statutory factors were considered and the journal entry also indicates that the statutory factors were considered, a claim to the contrary is defeated even if the court does not specifically state that it considered the factors. *Id.* at ¶ 22-24.

{¶5} A review of the record indicates that the trial court considered Mendiola's prior criminal record, the severity of the offense, and Mendiola's history with drugs and alcohol. The trial court was also aware that Mendiola was last placed on community control in the five years prior to the offense for which he was sentenced in this case.<sup>2</sup> All of these are factors that the trial court must consider pursuant to the statutes. Although the trial court did not specify that it considered the statutory guidelines, the statements made at the sentencing hearing indicate that it did. Additionally, the judgment entry specifies that it considered

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<sup>2</sup> No Pre-Sentence Investigation was completed in this case, though the trial court had access to one from Delaware County prepared for his 2010 conviction in that county. The record is unclear whether Mendiola was subject to community control sanctions at the time of this offense.

Case No. 8-14-05

the principles and purposes of sentencing pursuant to R.C. 2929.11 and R.C. 2929.12. The record contains no indication that the trial court incorrectly applied the statutory factors in this case. Thus, from the record, the trial court fulfilled the statutory requirements and did not violate Mendiola's rights. The assignment of error is overruled.

{¶6} Having found no prejudicial error in the particular assigned and argued, the judgment of the Court of Common Pleas of Logan County is affirmed.

***Judgment Affirmed***

**SHAW and PRESTON, J.J., concur.**

/jlr