

[Cite as *State v. Fairbanks*, 2010-Ohio-5918.]

COURT OF APPEALS
ASHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

STEVEN L. FAIRBANKS

Defendant-Appellant

JUDGES:

Hon. Julie A. Edwards, P. J.

Hon. W. Scott Gwin, J.

Hon. John W. Wise, J.

Case No. 10 COA 004

O P I N I O N

CHARACTER OF PROCEEDING:

Criminal Appeal from the Court of Common
Pleas, Case No. 09 CRI 045

JUDGMENT:

Affirmed

DATE OF JUDGMENT ENTRY:

December 1, 2010

APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

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Wise, J.

{¶1} Appellant Steven L. Fairbanks appeals his conviction and sentence, in the Court of Common Pleas, Ashland County, for forgery and related offenses. The relevant facts leading to this appeal are as follows.

{¶2} On September 1, 2009, appellant appeared before the trial court and pled guilty to one count of engaging in a pattern of corrupt activity, a felony of the second degree, three counts of forgery, felonies of the fifth degree, and one count of possessing criminal tools, a felony of the fifth degree.

{¶3} On October 19, 2009, the court held a sentencing hearing. The court thereupon sentenced appellant to a term of eight years in prison for count one (engaging in a pattern of corrupt activity), one year each for the three forgery counts, to be served concurrently to count one, and one year for possessing criminal tools, to be served consecutively to count one, for a total of nine years imprisonment.

{¶4} Appellant thereafter obtained leave of this Court to file a delayed appeal. He herein raises the following sole Assignment of Error:

{¶5} “I. THE IMPOSITION OF A PRISON SENTENCE IN THIS CASE IMPOSES AN UNNECESSARY BURDEN ON STATE RESOURCES.”

I.

{¶6} In his sole Assignment of Error, appellant argues the imposition of a prison sentence in this case imposes an unnecessary burden on state resources. We disagree.

{¶7} In *State v. Shull*, Ashland App.No. 2008-COA-036, 2009-Ohio-3105, we reviewed a similar claim. We found that although the burden on state resources may be

a relevant sentencing criterion as set forth in R.C. 2929.13, Ohio law “does not require trial courts to elevate resource conservation above the seriousness and recidivism factors.” *Shull* at ¶ 22, quoting *State v. Ober* (October 10, 1997), Greene App. No. 97CA0019.

{¶8} In its response brief, the State points out that appellant has been convicted of five felony counts in this case, and was actually facing more counts prior to a negotiated plea. Approximately five years ago, appellant similarly pled guilty to multiple counts of check forgery in Coshocton County. He served prison time for those crimes, and has also served time in federal prison. The pre-sentence investigation indicates that appellant has a criminal history going back twenty-six years, involving seven states. In one case in Georgia, appellant failed to reform himself despite the opportunity of community control and treatment, and ultimately absconded from the area. The State has also determined that appellant has utilized numerous aliases and false social security numbers. See Sentencing Transcript at 7. Despite this history, appellant maintains that he has shown remorse for his most recent round of forgery, which he points out did not involve weapons, violence, or direct harm to minors. He also emphasizes his age (sixty years old) and that he has medical and substance abuse issues.

{¶9} Upon review, we find appellant has not demonstrated his sentence is an unnecessary burden on state resources, and we otherwise find no abuse of discretion in the trial court’s sentencing decision.

{¶10} Appellant's sole Assignment of Error is overruled.

{¶11} For the reasons stated in the foregoing opinion, the judgment of the Court of Common Pleas, Ashland County, Ohio, is hereby affirmed.

By: Wise, J.

Edwards, P. J., and

Gwin, J., concur.

JUDGES

JWW/d 1028

