

IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT  
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-08-1360

Appellee

Trial Court No. CR2008-1955

v.

Sara Bowlus

**DECISION AND JUDGMENT**

Appellant

Decided: July 31, 2009

\* \* \* \* \*

Julia R. Bates, Lucas County Prosecuting Attorney, and  
Robert Clark, Assistant Prosecuting Attorney, for appellee.

William A. Garrett, for appellant.

\* \* \* \* \*

OSOWIK, J.

{¶ 1} This is an appeal from a judgment of the Lucas County Court of Common Pleas that found appellant guilty of one count of attempt to commit aggravated trafficking in drugs and imposed a 12-month term of imprisonment. For the following reasons, the judgment of the trial court is affirmed.

{¶ 2} Appellant sets forth a single assignment of error:

{¶ 3} "Defendant-Appellant asserts the Lucas County Court of Common Pleas abused its discretion in imposing a consecutive sentence, rather than a concurrent sentence."

{¶ 4} The following undisputed facts are relevant to the issue raised on appeal. On July 15, 2008, appellant entered a plea of no contest to one count of attempt to commit aggravated trafficking in drugs in violation of R.C. 2923.02 and 2925.03(A)(2) and (C)(1). Appellant's plea was accepted and a finding of guilt was entered. On September 11, 2008, appellant was sentenced to 12 months incarceration. The sentence was ordered served consecutively to a sentence appellant was currently serving for a prior conviction. Appellant was granted credit for 64 days time served.

{¶ 5} Appellant argues on appeal that the trial court did not comply with the requirements of R.C. 2929.11(A) and (B), which sets forth the purposes of felony sentencing. Specifically, appellant asserts that the trial court should have considered the option of rehabilitation through substance abuse treatment as opposed to incarceration. Appellant also asserts that ordering her sentence in this case to be served consecutively to the sentence she was currently serving was unconscionable because appellant did not victimize anyone other than herself.

{¶ 6} R.C. 2929.11(A) and (B) provide as follows:

{¶ 7} "(A) A court that sentences an offender for a felony shall be guided by the overriding purposes of felony sentencing. The overriding purposes of felony sentencing

are to protect the public from future crime by the offender and others and to punish the offender. To achieve those purposes, the sentencing court shall consider the need for incapacitating the offender, deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both.

{¶ 8} "(B) A sentence imposed for a felony shall be reasonably calculated to achieve the two overriding purposes of felony sentencing set forth in division (A) of this section, commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim, and consistent with sentences imposed for similar crimes committed by similar offenders. \* \* \*."

{¶ 9} Further, R.C. 2929.12(A) provides in relevant part that "\* \* \* a court that imposes a sentence under this chapter upon an offender for a felony has discretion to determine the most effective way to comply with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code. \* \* \*"

{¶ 10} An appellate court may not disturb an imposed sentence unless it finds by clear and convincing evidence that the sentence is not supported by the record or is "otherwise contrary to law." *State v. Johnson*, 6th Dist.No. OT-07-007, 2007-Ohio-6000, ¶ 11.

{¶ 11} At the sentencing hearing, the trial court stated that it had "\* \* \* considered the record, the oral statements, any victim impact statement and the pre-sentence report prepared as well as the principles and purposes of sentencing under Revised Code

2929.11 and other applicable statutory law as well as applicable case law." The trial court noted appellant's prior felony convictions and most recent conviction in Wood County. The record further reflects that the trial court considered defense counsel's request for a concurrent sentence.

{¶ 12} This court has reviewed the entire record in this case, including the transcript from appellant's sentencing hearing and the sentencing judgment entry. It is clear that the trial court properly considered the most effective means of complying with the principles and purposes of sentencing. Further, appellant's sentence is within the statutory range of six to 18 months for a fourth degree felony and is not contrary to law. Upon consideration thereof, this court finds that there was clear and convincing evidence to support the sentence imposed by the trial court. Accordingly, appellant's sole assignment of error is not well-taken.

{¶ 13} On consideration whereof, the judgment of the Lucas County Court of Common Pleas is affirmed. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24.

**JUDGMENT AFFIRMED.**

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See, also, 6th Dist.Loc.App.R. 4.

State v. Bowlus  
C.A. No. L-08-1360

Peter M. Handwork, P.J.

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JUDGE

Thomas J. Osowik, J.

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JUDGE

James R. Sherck, J.  
CONCUR.

\_\_\_\_\_  
JUDGE

Judge James R. Sherck, retired, sitting by assignment of the Chief Justice of the Supreme Court of Ohio.

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:  
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.