

[Cite as *Cleveland Heights v. Shabino*, 2001-Ohio-4243.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 79569

CITY OF CLEVELAND HEIGHTS

Plaintiff-Appellee

v.

STEVEN SHABINO

Defendant-Appellant

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JOURNAL ENTRY  
AND  
OPINION

DATE OF ANNOUNCEMENT  
OF DECISION:

DECEMBER 13, 2001

CHARACTER OF PROCEEDING:

CRIMINAL APPEAL FROM  
CLEVELAND HEIGHTS  
MUNICIPAL COURT  
CASE NO. TRD 0100143.

JUDGMENT:

AFFIRMED.

DATE OF JOURNALIZATION:

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APPEARANCES:

For Plaintiff-Appellee:

KIM SEGEBARTH (0018872)  
City Prosecutor  
City of Cleveland Heights  
40 Severance Circle  
Cleveland Hts., OH 44118

For Defendant-Appellant:

NATE N. MALEK (0067380)  
Malek, Dean & Associates, LLC  
32901 Station Street  
Suite 206  
Solon, OH 44139

JUDGE TERRENCE O'DONNELL:



Steven Shabino appeals from a judgment of the Cleveland Heights Municipal Court entered following a bench trial, where the court found him guilty of speeding, in violation of Section 333.03 of the Codified Ordinances of Cleveland Heights.

On appeal, Shabino presents two assignments of error for review: the first, contending his conviction should be reversed because the city presented insufficient evidence regarding the proper calibration of the radar equipment, and the second, alleging his conviction is against the manifest weight of the evidence. We recognize that these same assignments of error comprised the appeal in *City of Cleveland Heights v. Daniel Katz* (Dec. 6, 2001), Cuyahoga App. No. 79568, where we rejected them.

Based on our decision in *City of Cleveland Heights v. Daniel Katz*, we affirm the judgment of the court in this case.

Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the Cleveland Heights Municipal Court to carry this judgment into execution. The defendant's conviction having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.



A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

TERRENCE O'DONNELL  
JUDGE

TIMOTHY E. McMONAGLE, P.J. and

ANN DYKE, J., CONCUR.

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also, S.Ct.Prac.R. II, Section 2(A)(1).