

[Cite as *State v. Nelson*, 2003-Ohio-3966.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 82356

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee	:	JOURNAL ENTRY
	:	and
vs.	:	OPINION
	:	
ADAM NELSON,	:	
	:	
Defendant-Appellant	:	

DATE OF ANNOUNCEMENT	:	
OF DECISION	:	JULY 24, 2003

CHARACTER OF PROCEEDING	:	Criminal appeal from
	:	Common Pleas Court
	:	Case No. CR-422674

JUDGMENT	:	AFFIRMED.
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DATE OF JOURNALIZATION	:	
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APPEARANCES:

For plaintiff-appellee:	William D. Mason, Esq. Cuyahoga County Prosecutor BY: Mark Schneider, Esq. Assistant County Prosecutor The Justice Center - 8 th Floor 1200 Ontario Street Cleveland, Ohio 44113
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For defendant-appellant:	Harvey B. Bruner, Esq. Bret Jordan, Esq. BRUNER & JORDAN 1600 Illuminating Building 55 Public Square Cleveland, Ohio 44113
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MICHAEL J. CORRIGAN, P.J.:

{¶1} The sole issue in this appeal is whether the court erred by imposing more than the minimum term of incarceration upon defendant Adam Nelson, a first-time felony offender. Nelson pleaded guilty to felonious assault, aggravated burglary, and kidnapping. The court imposed five year sentences on each count, to be served concurrently. Nelson complains that the court failed to articulate sufficient reasons as to why it did not impose the minimum sentence.

{¶2} The sentencing law carries a presumption that offenders who have not previously served a prison term receive the minimum term. See R.C. 2929.14(B). That presumption may be overcome, however, if the court finds on the record that "the shortest prison term will demean the seriousness of the offender's conduct or will not adequately protect the public from future crime by the offender or others." *Id.* In *State v. Edmonson* (1999), 86 Ohio St.3d 324, 328, the supreme court held that a court which sentences an offender to more than the minimum must only state its findings for giving more than the minimum, but not its reasons.

{¶3} After considering at length the circumstances surrounding Nelson's offenses, the court found on the record that "a prison sentence is appropriate. To do otherwise would demean the seriousness of defendant's conduct." This statement fully complied with the findings required by R.C. 2929.14(B) for imposing more than the minimum sentence. The court had no obligation to state

its reasons for making that finding. The assigned error is overruled.

Judgment affirmed.

It is ordered that appellee recover of appellant its 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 Common Pleas 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.

MICHAEL J. CORRIGAN
PRESIDING JUDGE

ANNE L. KILBANE, 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).