

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-150370
	:	TRIAL NO. B-1407262
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
TASHA FLEMING,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); Loc.R. 11.1.1.

After entering guilty pleas, defendant-appellant Tasha Fleming was convicted of one count of failure to comply with the order or signal of a police officer under R.C. 2921.331(B), a third-degree felony, and one count of operating a motor vehicle under the influence of drugs or alcohol under R.C. 4511.19(A)(1)(a), a first-degree misdemeanor. The trial court sentenced her to one year of incarceration on the felony and 180 days on the misdemeanor, to be served concurrently.

In her sole assignment of error, Fleming contends that the trial court's sentence was contrary to law. She argues that the trial court failed to consider the purposes and principles of sentencing and the various factors under R.C. 2929.11 and 2929.12, and that if it had, it would have sentenced her to community control. This assignment of error is not well taken.

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While a trial court is required to consider all of the factors under R.C. 2929.11 and 2929.12, it need not make any specific findings. *State v. Bohannon*, 1st Dist. Hamilton No. C-130014, 2013-Ohio-5101, ¶ 7. The record shows that the trial court specifically stated that it had considered the purposes and principles of sentencing and the various factors under R.C. 2929.11 and 2929.12. *See State v. Alexander*, 1st Dist. Hamilton Nos. C-110828 and C-110829, 2012-Ohio-3349, ¶ 23-24.

The record also shows that Fleming presented substantial mitigating evidence. The trial court heard Fleming's arguments in mitigation and considered them. *See* R.C. 2929.12(C)(4). The court simply found that the seriousness of the offenses was entitled to more weight.

The record shows that a police officer observed Fleming driving at a high rate of speed, in excess of 85 m.p.h. in a 25 m.p.h. zone, ignoring pavement markings, and failing to stop at a stop sign. She failed to comply with the officer's signal to stop, leading police on a high-speed chase. She ignored a red light and crossed over the double-yellow line into oncoming traffic. The chase ended when Fleming crashed her vehicle. She then attempted to flee the scene on foot with her seven-year-old son, who had been a passenger in the vehicle. During a search of the vehicle, police found a red solo cup with alcohol in it and marijuana.

The sentences fall within the statutory ranges for third-degree felonies and first-degree misdemeanors. In fact, the felony sentence is within the lower end of the range. *See* R.C. 2929.14(A)(3); R.C. 2929.24(A)(1); R.C. 4511.19(G)(1). Fleming has not affirmatively demonstrated that the trial court did not consider the appropriate factors. *See Bohannon*, 1st Dist. Hamilton No. C-130014, 2013-Ohio-5101, at ¶ 7-9. Under the circumstances, we cannot say that Fleming's sentences were clearly and convincingly contrary to law. *See State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶

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11 (1st Dist.). We, therefore, overrule her assignment of error and affirm the trial court's judgment.

A certified copy of this judgment entry constitutes the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

FISCHER, P.J., MOCK and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on January 22, 2016
per order of the court _____.
Presiding Judge