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

STATE OF OHIO,	:	APPEAL NO. C-160822 TRIAL NO. B-1307227
Plaintiff-Appellee,	:	
vs.	:	
SHAWN BYRD,	:	*JUDGMENT ENTRY.*
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Shawn Byrd appeals the judgment revoking his community control and imposing a 36-month sentence of imprisonment for three counts of nonsupport of children. In two related assignments of error, Byrd argues that the court erred by imposing consecutive sentences and his counsel was ineffective for instructing the court to make the requisite findings to support consecutive sentences. We find no merit in his assignments of error, and we affirm the trial court's judgment.

Byrd asserts that the consecutive sentences are contrary to law because the court announced the sentence before the findings, and the record did not support consecutive sentences. Byrd does not cite to any authority or statute requiring the trial court to make the findings before announcing the sentence. Moreover, the sentencing statutes do not require the court to use specific words to impose consecutive sentences as long as the findings for the sentence are apparent from the record and incorporated into the sentencing entry. *State v. Bonnell*, 140 Ohio St.3d 209, 2014-Ohio-3177, 16 N.E.3d 659, ¶ 37.

Here, the court stated its reasons for imposing consecutive sentences, completed a sentencing-findings worksheet, and included the findings in the sentencing entry. *See id.* The court found that consecutive sentences were necessary to protect the public and punish Byrd, and were not disproportionate to the seriousness of Byrd's conduct. The court further found that Byrd's criminal history and the great harm he caused to his family warranted consecutive sentences. Because the record supports the findings made by the trial court, we overrule his first assignment of error.

Byrd also argues his counsel was ineffective for "instructing" the court to make the statutory findings in support of consecutive sentences. To establish an ineffective-assistance-of-counsel claim, Byrd must show counsel's performance was deficient and there is a reasonable probability that the outcome of the proceeding would have been different had counsel been effective. *Strickland v. Washington,* 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).

Here, the record does not support a finding of deficiency. Counsel did not "instruct" the court to make the findings. Counsel objected to the consecutive sentences and sought clarification, which is a reasonable trial strategy. Even if counsel's objection to the consecutive sentences alerted the trial court to make the requisite findings, Byrd was not prejudiced because the trial court's on-the-record findings supported the imposition of consecutive sentences.

Accordingly, we overrule the second assignment of error and affirm the trial court's judgment.

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

ZAYAS, P.J., MYERS and **MILLER, JJ.**

Enter upon the journal of the court on October 20, 2017

per order of the court _____.

Presiding Judge