

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

STATE OF OHIO,	:	APPEAL NOS. C-190155
		C-190156
Plaintiff-Appellee,	:	C-190157
		TRIAL NOS. B-1801970
vs.	:	B-1804690
		B-1805094
EAMOND RAILEY,	:	
		<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider these appeals 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.

In three separate cases, defendant-appellant Eamond Railey entered guilty pleas and was sentenced as follows: (1) in the case numbered B-1801970, he pleaded guilty to a community-control violation related to a previous conviction for having weapons while under a disability under R.C. 2923.13(A)(2), a third-degree felony, and was sentenced to 24 months incarceration; (2) in the case numbered B-1805094, he pleaded guilty to one count of attempted escape under former R.C. 2923.02 and 2921.34, a fourth-degree felony, and was sentenced to serve 18 months' incarceration; and (3) in the case numbered B-1804690, he pleaded guilty to one count of having weapons while under a disability under R.C. 2923.13(A)(2), a third-degree felony, and was sentenced to 36 months incarceration.

The court ordered the sentence in the case numbered B-1801970 for the community-control violation to run consecutively to the sentences in the other two

cases. It ordered the sentences in the other two cases to run concurrently with each other, but consecutively to the sentence for the community-control violation, for a total of 60 months' incarceration.

In his sole assignment of error, Railey contends that the trial court erred in sentencing him. He argues that maximum consecutive sentences for low-level felonies were grossly disproportionate to the severity of the offenses. This assignment of error is not well taken.

Railey pleaded guilty to two third-degree felonies and one fourth-degree felony. The sentences were all within the appropriate statutory ranges. *See* R.C. 2929.14(3) and (4). He received the maximum sentences in the cases numbered B-1805094 and B-1804690, the two new cases, but not in the case numbered B-1801970, the community-control violation.

The record unequivocally shows the trial court considered the purposes and principles of sentencing and the various factors set forth in former R.C. 2929.11 and 2929.12. *See State v. Bohannon*, 1st Dist. Hamilton No. C-130014, 2013-Ohio-5101, ¶ 7; *State v. Alexander*, 1st Dist. Hamilton Nos. C-110828 and C-110829, 2012-Ohio-3349, ¶ 23. The court discussed Railey's criminal history, both as a juvenile and an adult, his violation of the conditions of community control, the number of offenses he had committed in a short time period, his lack of remorse, and that some of the offenses were offenses of violence.

Further, former R.C. 2929.14(C)(4) required the court to engage in a three-step analysis and make certain findings before imposing consecutive sentences. While the court need not use "talismanic" words, it must be clear from the record that the trial court actually made the findings required by the statute. *State v. Bonnell*, 140 Ohio St.3d 209, 2014-Ohio-3177, 16 N.E.3d 659, ¶ 36-37; *State v. Thomas*, 1st Dist. Hamilton No. C-120561, 2013-Ohio-5386, ¶ 56. The court must make the findings as part of the

**OHIO FIRST DISTRICT COURT OF APPEALS**

---

sentencing hearing and incorporate those findings into the sentencing entry. *Bonnell* at syllabus; *State v. Cephas*, 1st Dist. Hamilton No. C-180105, 2019-Ohio-52, ¶ 43.

The record shows that the court engaged in the requisite analysis and made the appropriate findings at the sentencing hearing to justify consecutive sentences and incorporated those findings into the judgment entries. In justifying those findings, the court noted that Railey had committed two of the offenses for which he was being sentenced while on community control. It also stated that “the defendant at age 21 has two juvenile adjudications for violent offenses as well as others and has compiled a fairly significant criminal record since he became an adult, particularly in the year of 2018, the defendant’s criminal history shows a need to protect the public.”

Before a reviewing court can modify or vacate a felony sentence, it must clearly and convincingly find that the sentence is contrary to law or that the record does not support the sentencing court’s findings. Former R.C. 2953.08(G); *State v. Marcum*, 146 Ohio St.3d 516, 2016-Ohio-1002, 59 N.E.3d 1231, ¶ 1; *State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11 (1st Dist.). Under the circumstances, we cannot hold that the record does not support the trial court’s findings or that the sentences are contrary to law. Consequently, we overrule Railey’s sole 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.

**MOCK, P.J., MYERS and WINKLER, JJ.**

To the clerk:

Enter upon the journal of the court on January 24, 2020  
per order of the court \_\_\_\_\_.  
Presiding Judge