

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

STATE OF OHIO,	:	APPEAL NO. C-200398
	:	TRIAL NO. B-2000941
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
EYDIE RENEE PROFFITT,	:	
	:	
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.

Defendant-appellant Eydie Renee Proffitt appeals from her conviction for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them (“OVI”), in violation of R.C. 4511.19(A)(1)(a), a fourth-degree felony because of three previous OVI convictions. The trial court sentenced Proffitt to a mandatory 60-day period of incarceration, three years’ community control with intensive supervision on the mental-health docket, and a lifetime driver’s license suspension. The court further ordered that the 60-day incarceration could be served at River City Correctional Center and that Proffitt remain in River City until she completes the residential phase up to a maximum of six months.

In her sole assignment of error, Proffitt seeks a review of her sentence under R.C. 2953.08(G)(2). An appellate court may modify or vacate a defendant's sentence under that statute only if it clearly and convincingly finds that the sentence is contrary

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to law or that the record does not support the trial court's findings under certain enumerated statutes, namely R.C. 2929.13(B) and (D), R.C. 2929.14(B)(2)(e), R.C. 2929.14(C)(4), and R.C. 2929.20(I). *See* R.C. 2953.08(G)(2)(a) and (b); *State v. Jones*, 163 Ohio St.3d 242, 2020-Ohio-6729, 169 N.E.3d 649, ¶ 31 and 37.

Proffitt concedes that her sentence is not contrary to law. She further cites no statutory findings subject to review under R.C. 2953.08(G)(2)(a). Potentially, she is asking this court to review the trial court's findings regarding the purposes and principles of felony sentencing found in R.C. 2929.11 and 2929.12. But, as the state notes, R.C. 2953.08(G)(2) does not provide the basis for such a review. *See Jones* at ¶ 42; *State v. Mimes*, 1st Dist. Hamilton No. C-200122, 2021-Ohio-2494, ¶ 15.

Because Proffitt has not demonstrated error, we overrule her assignment of error and affirm the trial court's judgment.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

ZAYAS, P.J., BERGERON and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on September 22, 2021,
per order of the court _____.
Administrative Judge