# CAPTION: STATE V. MULLINS

**02-07-24**

APPEAL NO.: C-230320

TRIAL NO.: B-2205078

KEY WORDS: APPELLATE REVIEW/CRIMINAL – SENTENCING – R.C. 2953.08(G)(2) – CONSTITUTIONAL LAW/CRIMINAL – DUE PROCESS

SUMMARY:

Because defendant failed to affirmatively demonstrate the trial court did not consider the purposes of felony sentencing and the seriousness and recidivism factors, this court presumes the trial court considered them.

The trial court did not violate defendant’s constitutional right to due process because it did not consider the testimony regarding uncharged instances of abuse in determining its sentence.

JUDGMENT: AFFIRMED

JUDGES: OPINION by BERGERON, J.; BOCK, P.J., and WINKLER, J., CONCUR.