

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

STATE OF OHIO,	:	APPEAL NO. C-160702
Plaintiff-Appellee,	:	TRIAL NO. B-1601173
vs.	:	<i>JUDGMENT ENTRY.</i>
SHONTEZ COLBERT,	:	
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 Shontez Colbert pleaded guilty to one count of having a weapon while under a disability, a felony of the third degree, in violation of R.C. 2923.13(A)(3). After a presentence investigation, Colbert returned to court and was sentenced to 30 months in prison. In one assignment of error, Colbert claims that the trial court “failed to accurately consider all the statutory factors” and that the sentence was unlawful. We disagree.

Under R.C. 2953.08(G)(2), this court may vacate or modify a sentence only if we clearly and convincingly find that the record does not support the mandatory sentencing findings or that the sentence is otherwise contrary to law. *See State v. Marcum*, 146 Ohio St.3d 516, 2016-Ohio-1002, 59 N.E.3d 1231; *State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11 (1st Dist.).

In this case, the trial court considered the overriding purposes of felony sentencing (to protect the public from future crime by the offender and others and to punish the offender), while being mindful to use the minimum sanctions to accomplish those purposes without imposing an unnecessary burden on government resources. *See* R.C. 2929.11(A). The trial court also considered the seriousness and recidivism factors set forth in R.C. 2929.12.

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The trial court noted that Colbert had numerous previous convictions and juvenile adjudications, had served multiple prison terms, had failed to respond favorably to community-based sanctions, and was not genuinely remorseful. While the trial court noted that no one had been harmed when he committed the offense, it concluded that “a prison sentence is consistent with the purposes and principles of felony sentencing.” We find no error in this determination.

We overrule Colbert’s sole assignment of error, and affirm the judgment of the trial court.

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.

MOCK, P.J., MILLER and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on August 4, 2017
per order of the court _____.
Presiding Judge