

[Cite as *State v. Hill*, 2004-Ohio-4145.]

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-03-1208

Appellee

Trial Court No. CR-2003-01110

v.

Debra Hill

DECISION AND JUDGMENT ENTRY

Appellant

Decided: August 6, 2004

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and
Michael J. Loisel, Assistant Prosecuting Attorney, for appellee.

Daniel H. Grna, for appellant.

* * * * *

HANDWORK, P.J.

{¶1} This appeal is from the June 23, 2003 judgment of the Lucas County Court of Common Pleas, which sentenced appellant, Debra Hill, following her conviction of patient abuse in violation of R.C. 2903.34(A)(1)&(C), a felony of the fourth degree. Because we find that the trial court made the statutory findings necessary to impose more than the minimum sentence, the decision of the lower court is affirmed. Appellant asserts the following single assignment of error on appeal:

{¶2} “The trial court committed reversible error by failing to sentence the appellant to the shortest prison term authorized because the trial court failed to make the findings required by R.C. 2929.14(B)(1) and (2).”

{¶3} Appellant entered a no contest plea and was convicted of patient abuse. She was sentenced to a term of 12 months of imprisonment. Appellant argues on appeal that the trial court failed to comply with R.C. 2929.14(B)(1) and (2) because it did not state on the record why it was imposing a longer sentence than the shortest prison term authorized by law.

{¶4} Pursuant to R.C. 2929.14(B), the court must impose the shortest prison term permitted under the law unless it finds that: “[t]he offender was serving a prison term at the time of the offense, or the offender previously had served a prison term,” or “that the shortest prison term will demean the seriousness of the offender's conduct or will not adequately protect the public from future crime by the offender or others.” These statutory findings must be made on the record at the sentencing hearing. *State v. Comer*, 2003-Ohio-4165, at ¶26. However, the court is not required to mimic the statutory language. *State v. Jordan*, 6th Dist. App. No. OT-03-009, 2004-Ohio-2775, at ¶21.

{¶5} In this case, the court stated at the sentencing hearing that this case posed a difficult issue regarding sentencing. On the one hand, appellant is in her 40's with no prior record. On the other hand, this was a very serious offense. The court noted that most of the factors considered in weighing whether to impose a prison term were not applicable to this case. However, the court considered the impact upon the victim as a significant factor in this case as well as the position of trust that appellant held. While

noting that the physical injury to the victim was severe, the court was also moved by the assumed emotional injury the victim suffered but is unable to express due to his disabilities. The court found that there was no justification for this act and that the beating was exacerbated by appellant's use of alcohol while working. For these reasons, the court believed that this case had to be dealt with harshly as an example to others and to uphold the reputation of the Northwest Ohio Development Center. Therefore, the court determined that it needed to depart from the guidelines and impose a 12-month prison term.

{¶6} Upon a review of the entire sentencing hearing transcript, we find that the court intertwined its findings regarding the need to impose a prison sentence and the need to exceed the minimum sentence. However, it is clear that the court determined that appellant's sentence was necessary to deter similar future acts by others entrusted with the care of persons like the victim. Therefore, we find that the court did make the statutory findings required by R.C. 2929.14(B) before imposing the 12-month sentence. Appellant's sole assignment of error is not well-taken.

{¶7} Having found that the trial court did not commit error prejudicial to appellant, the judgment of the Lucas Court of Common Pleas is affirmed. Pursuant to App.R. 24, appellant is hereby ordered to pay the court costs incurred on appeal.

JUDGMENT AFFIRMED.

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A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.
See, also, 6th Dist.Loc.App.R. 4, amended 1/1/98.

Peter M. Handwork, P.J.

JUDGE

Mark L. Pietrykowski, J.

JUDGE

Judith Ann Lanzinger, J.
CONCUR.

JUDGE