

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

STATE OF OHIO,	:	APPEAL NO. C-180696
	:	TRIAL NO. B-1801066B
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
TRESHON GLOVER,	:	
	:	
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 Treshon Glover pleaded guilty to one count of aggravated burglary under R.C. 2911.11(A)(2) and one count of aggravated robbery under R.C. 2911.01(A)(1), each with an accompanying firearm specification. The trial court sentenced Glover to three years' imprisonment on each of the two felonies, to run concurrently to each other. It also imposed the mandatory three-year prison term on each of the two firearm specifications, to run consecutively to each other and the three-year term on the underlying felonies, for a total prison term of nine years.

In his sole assignment of error, Glover contends that the trial court erred in imposing consecutive sentences for the two firearm specifications. He argues that the trial court failed to make the appropriate findings to justify the consecutive sentences as

required by former R.C. 2929.14(C)(4) and that the underlying felonies were part of the same act or transaction. This assignment of error is not well taken.

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. *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.). We cannot hold that Glover's sentences were contrary to law.

First, the court did not err in failing to make the findings under former R.C. 2929.14(C)(4), because that statutory provision did not apply to penalty-enhancing specifications. Therefore, no findings were necessary for the court to impose consecutive sentences on the specifications. *State v. Pompey*, 1st Dist. Hamilton No. C-150479, 2016-Ohio-4610, ¶ 6.

Second, former 2929.14(B)(1)(a)(ii) required a trial court to impose a three-year prison term on an offender who was convicted of a firearm specification under R.C. 2941.145(A). *State v. Adams*, 1st Dist. Hamilton No. C-120059, 2013-Ohio-926, ¶ 30. Former R.C. 2929.14(B)(1)(g) created an exception to the general rule prohibiting multiple punishments for two or more firearm specifications arising out of a single act or transaction. *State v. Phillips*, 1st Dist. Hamilton Nos. C-150376 and C-150378, 2016-Ohio-4672, ¶ 49. It provided that a trial court shall impose a separate prison term for each of the two most serious specifications where (1) an offender was found to be guilty of two or more felonies, one of which was enumerated in the statute, which included aggravated robbery, and (2) the offender was determined to be guilty of firearm specifications under R.C. 2929.14(B)(1)(a) in connection with two or more of the felonies. *Id.*

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Because Glover pleaded guilty to aggravated robbery, with an accompanying firearm specification, as well as the specification to the aggravated-burglary charge, the trial court was required to sentence him for the two specifications, and the sentences for the specifications had to be consecutive to each other and to the sentences for the underlying felonies. *See Pompey* at ¶ 7; *Adams* at ¶ 31. Consequently, Glover's sentences were not contrary to law. We overrule his 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., ZAYAS and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on November 20, 2019
per order of the court _____.
Presiding Judge