

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
WARREN COUNTY

STATE OF OHIO, :
 :
 Plaintiff-Appellee, : CASE NO. CA2011-09-099
 :
 - vs - : OPINION
 : 7/9/2012
 :
 JEFFREY SCOTT GRUNDY, :
 :
 Defendant-Appellant. :

CRIMINAL APPEAL FROM WARREN COUNTY COURT OF COMMON PLEAS
Case No. 11CR27174

David P. Fornshell, Warren County Prosecuting Attorney, Michael Greer, 500 Justice Drive, Lebanon, Ohio 45036, for plaintiff-appellee

Timothy J. McKenna, 125 East Court Street, Suite 950, Cincinnati, Ohio 45202, for defendant-appellant

PIPER, J.

{¶ 1} Defendant-appellant, Jeffrey Grundy, appeals his convictions and sentence in the Warren County Court of Common Pleas after being found guilty of several charges related to the manufacturing and sale of methamphetamine.

{¶ 2} On January 20, 2011, an undercover officer from the Warren County Drug Task Force went to Tim Baker's house and purchased \$200 worth of methamphetamine from

Grundy. The next day, the task force executed a warrant and conducted a search at Baker's house, where Grundy lived. There, the officers encountered five individuals, Baker, Michelle Eibeck, Mandy Gadberry, David Gillespie, and Grundy.

{¶ 3} Officers searched the garage and found chemicals used in the manufacturing of methamphetamine, such as solvents, camping fluid, chemicals, Red Devil lye, and muriatic acid. They also located other items used in the manufacture of methamphetamine, such as mason jars, tubing, modified propane tanks, and coffee filters. Some of these items were sent to the Miami Valley Regional Crime Laboratory for testing, and then were destroyed due to their nature as hazardous-material. The testing revealed that the materials were used as part of an active methamphetamine-producing laboratory, and that samples found in the mason jars were methamphetamine in the final stages of production. The lab in the garage was located within 100 feet of where Michelle Eibeck's 14-year-old daughter slept.

{¶ 4} Grundy was interviewed by detectives twice after the warrant was executed, and admitted that he sold methamphetamine. He also admitted that he commissioned others to purchase pseudoephedrine, a key ingredient used to manufacture methamphetamine, and would exchange the pseudoephedrine for methamphetamine. Grundy explained that he made the methamphetamine using the "shake and bake" or "one-pot" method, and had manufactured a batch of methamphetamine two days before the warrant was executed.

{¶ 5} Officers determined that Grundy, Eibeck, Eibeck's minor daughter, and Gadberry lived in Baker's home, and Gillespie would often come and go from the house. All the adults were arrested on charges relating to the manufacturing, sale, possession, or use of methamphetamine. Grundy was indicted for aggravated trafficking in drugs, illegal manufacture of drugs, illegal assembly or possession of chemicals for the manufacture of drugs, aggravated possession of drugs, endangering children, engaging in a pattern of corrupt activity, and tampering with evidence.

{¶ 6} Grundy pled not guilty, and the matter was heard by a jury during a two-day trial. The jury found Grundy guilty of all seven counts, and the trial court sentenced Grundy to an aggregate sentence of seven years, with five of those years being mandatory. Grundy now appeals his convictions and sentence, raising the following assignments of error. For ease of discussion, we will address the first and second assignments together.

{¶ 7} Assignment of Error No. 1:

{¶ 8} THE TRIAL COURT ERRED TO THE PREJUDICE OF THE DEFENDANT-APPELLANT AS THERE WAS INSUFFICIENT EVIDENCE TO CONVICT.

{¶ 9} Assignment of Error No. 2:

{¶ 10} THE TRIAL COURT ERRED TO THE PREJUDICE OF THE DEFENDANT-APPELLANT BECAUSE THE VERDICT WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.

{¶ 11} Grundy argues in his first two assignments of error that his convictions were not supported by sufficient evidence and were against the manifest weight of the evidence.

{¶ 12} Manifest weight and sufficiency of the evidence are quantitatively and qualitatively different legal concepts. *State v. Thompkins*, 78 Ohio St.3d 380, 386, 1997-Ohio-52. When reviewing the sufficiency of the evidence underlying a criminal conviction, an appellate court examines the evidence in order to determine whether such evidence, if believed, would support a conviction. *State v. Wilson*, 12th Dist. No. CA2006-01-007, 2007-Ohio-2298. "The relevant inquiry is whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt." *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus, superseded on other grounds.

{¶ 13} While the test for sufficiency requires an appellate court to determine whether the state has met its burden of production at trial, a manifest weight challenge examines the

inclination of the greater amount of credible evidence, offered at a trial, to support one side of the issue rather than the other. *Wilson*, 2007-Ohio-2298.

In determining whether a conviction is against the manifest weight of the evidence, the court, reviewing the entire record, weighs the evidence and all reasonable inferences, considers the credibility of the witnesses and determines whether in resolving conflicts in the evidence, the trier of fact clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered.

State v. Cummings, 12th Dist. No. CA2006-09-224, 2007-Ohio-4970, ¶ 12.

{¶ 14} Appellate review includes the responsibility to consider the credibility of witnesses and weight given to the evidence, yet, "these issues are primarily matters for the trier of fact to decide since the trier of fact is in the best position to judge the credibility of the witnesses and the weight to be given the evidence." *State v. Walker*, 12th Dist. No. CA2006-04-085, 2007-Ohio-911, ¶ 26. Therefore, an appellate court will overturn a conviction due to the manifest weight of the evidence only in extraordinary circumstances to correct a manifest miscarriage of justice, and only when the evidence presented at trial weighs heavily in favor of acquittal. *Thompkins*, 78 Ohio St.3d at 387.

{¶ 15} "Because sufficiency is required to take a case to the jury, a finding that a conviction is supported by the weight of the evidence must necessarily include a finding of sufficiency. Thus, a determination that a conviction is supported by the weight of the evidence will also be dispositive of the issue of sufficiency." *Wilson* 2007-Ohio-2298 at ¶ 35, citing *State v. Lombardi*, 9th Dist. No. 22435, 2005-Ohio-4942, fn. 4.

{¶ 16} After reviewing the record, we find that Grundy's convictions are supported by sufficient evidence and are not against the manifest weight of the evidence. Grundy was charged with aggravated trafficking in drugs in violation of R.C. 2925.03(A)(1), which provides, "no person shall knowingly do any of the following: sell or offer to sell a controlled substance." According to R.C. 3719.01 (AA), a sale "includes delivery, barter, exchange,

transfer, or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee."

{¶ 17} The jury heard testimony that Grundy sold \$200 of methamphetamine to an undercover officer. The officer testified that the Warren County Drug Task Force was given information by a confidential informant that methamphetamine was being manufactured and sold at Baker's home. The undercover officer accompanied the confidential informant on a controlled drug buy, and the undercover officer informed Grundy that he was there to purchase methamphetamine. Grundy went to a different room of the house, retrieved a digital scale, and pulled out several baggies of methamphetamine from his pocket and began weighing the different bags. The undercover officer testified that Grundy had different colored methamphetamine, and that he purchased some colored blue and some colored white. The substances sold by Grundy to the undercover officer were sent to a laboratory for testing, and were confirmed to be methamphetamine.

{¶ 18} Further, David Gillespie testified that Grundy provided him methamphetamine on multiple occasions, and Grundy admitted during police interviews that he exchanged methamphetamine for drug paraphernalia and paid his rent to Baker in methamphetamine. Grundy also admitted during his direct testimony at trial that he sold methamphetamine to the undercover officer. After viewing this evidence in a light most favorable to the prosecution, any reasonable trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.

{¶ 19} Grundy was also charged with and convicted of illegal manufacture of drugs in violation of R.C. 2925.04(A), which provides, "no person shall knowingly cultivate marihuana or knowingly manufacture or otherwise engage in any part of the production of a controlled substance."

{¶ 20} The jury heard evidence that Grundy manufactured methamphetamine in the

garage of Baker's home. David Gillespie testified that Grundy asked him to get boxes of pseudoephedrine, as well as other "chemicals and supplies to manufacture" methamphetamine. When asked what Grundy would do once he received the pseudoephedrine, Gillespie responded, "he manufactured some meth and gave me some free dope." Gillespie explained further that Grundy would "crush up the pills and manufacture the meth." Gillespie testified that he was aware that the manufacturing occurred in Baker's garage, and that he was not permitted by Grundy to enter the garage. On one occasion, however, Grundy asked Gillespie to go into the garage to help clean up. Gillespie testified that he was unable to stay in the garage because the fumes from the manufacturing process were unbearable.

{¶ 21} Furthermore, Detective Bill Couch of the Warren County Sheriff's Office testified that he interviewed Grundy twice and that Grundy admitted in a police interview that he "cooked" methamphetamine on at least one occasion. Grundy also explained the "shake-and-bake" or "one-pot" method of manufacturing to Couch, going into detail about the steps necessary to manufacture methamphetamine. Based on this evidence, any reasonable trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.

{¶ 22} Grundy was charged with and convicted of illegal assembly or possession of chemicals for the manufacture of drugs, in violation of R.C. 2925.041(A), which provides, "no person shall knowingly assemble or possess one or more chemicals that may be used to manufacture a controlled substance in schedule I or II with the intent to manufacture a controlled substance * * *."

{¶ 23} The jury heard evidence that {during} the controlled drug buy, Grundy offered to exchange a quarter of a gram of methamphetamine per box of pseudoephedrine provided, and that pseudoephedrine is the main ingredient in methamphetamine. David Gillespie also

testified that Grundy asked him to get boxes of pseudoephedrine, as well as other "chemicals and supplies to manufacture" the methamphetamine. Gillespie also testified that he drove Gadberry around to different stores to purchase various supplies for the manufacturing process, such as Coleman fuel, dry ice, tubing and mason jars. In exchange for his participation, Grundy gave Gillespie free methamphetamine.

{¶ 24} During the execution of the search warrant, the task force officers found pseudoephedrine pills in the home, as well as coffee filters stained blue. As mentioned earlier, some of the methamphetamine purchased by the undercover officer was colored blue. More than one of the state's witnesses testified that coffee filters are regularly used in the manufacturing of methamphetamine.

{¶ 25} Special Agent Raymond Dratt of the Drug Enforcement Agency, Dayton Office, testified that he was assigned to the Warren County Drug Task Force at the time of the undercover operation, and that he coordinates investigations involving clandestine laboratories used in the manufacturing of illegal narcotics.

{¶ 26} Agent Dratt testified that he and three other law enforcement officers helped to execute the search warrant on Baker's home, and that they encountered a laboratory in the garage. The agents found propane tanks in the garage, and Dratt explained how modified propane tanks are "commonly associated with the manufacture of methamphetamine" by holding anhydrous ammonia, a chemical used in the manufacturing process. Dratt also testified that he found a can of Coleman camping fuel, which is used as a solvent during the manufacturing process. Dratt testified that the detectives also found muriatic acid, Epsom salts, sodium hydroxide, lithium, and various vessels such as plastic pop bottles and mason jars. Some of the mason jars contained coffee filters, used to filter the solid methamphetamine from the liquids during the manufacturing process. Dratt testified that some of the mason jars contained chemicals used in the manufacturing process, and

explained how the jars were used in the "one-pot" method of manufacturing methamphetamine by combining all of the necessary chemicals in one jar. Dratt also testified that agents found other containers and lids that had been modified to facilitate the manufacturing process.

{¶ 27} As previously discussed, Grundy described one of his methods for manufacturing methamphetamine during an interview with Detective Couch. In describing the necessary steps to manufacture methamphetamine, Grundy described the various ingredients and items employed in the manufacturing process. Grundy could not have manufactured methamphetamines, as he admitted to doing, without first assembling and possessing the necessary components. Based on the evidence presented, the jury could have found the essential elements of the crime proven beyond a reasonable doubt.

{¶ 28} Grundy was also charged with and convicted of aggravated possession of drugs in violation of R.C. 2925.11(A), which provides, "no person shall knowingly obtain, possess, or use a controlled substance." The jury heard testimony from the undercover officer that during the controlled drug buy, Grundy had methamphetamine in his pocket, and also smoked methamphetamine during the transaction. After viewing the evidence in a light most favorable to the prosecution, any reasonable trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.

{¶ 29} Grundy was charged with and convicted of endangering children in violation of R.C. 2919.22(B)(6), which provides,

No person shall do any of the following to a child under eighteen years of age * * *: Allow the child to be on the same parcel of real property and within one hundred feet of, * * * any act in violation of section 2925.04 or 2925.041 of the Revised Code when the person knows that the act is occurring, whether or not any person is prosecuted for or convicted of the violation of section 2925.04 or 2925.041 of the Revised Code that is the basis of the violation of this division.

{¶ 30} The jury heard evidence that Eibeck's minor daughter, who was 14 at the time of the undercover operation, resided at Baker's home where the manufacturing and sales of methamphetamine occurred in violation of R.C. 2925.041. David Gillespie testified that all occupants of Baker's home, including Grundy, were aware that the child resided in the home. Lieutenant Steve Arrasmith with the Warren County Sherriff's Office testified that the laboratory in the garage was approximately 20 feet from the house, and that the garage was within 100 feet of the child's bedroom.

{¶ 31} Detective Bill Couch, a seasoned and experienced law enforcement officer, testified that he participated in the execution of the search warrant at Baker's home and that he interviewed Grundy after he was arrested. During an interview, Grundy stated that he was aware that the child resided in the home. Detective Couch testified that, based on his knowledge of Baker's home from the execution of the warrant, the child's bedroom was "well within" 100 feet of the garage. After viewing the evidence in a light most favorable to the prosecution, any reasonable trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.

{¶ 32} Grundy was also charged with and convicted of engaging in a pattern of corrupt activity in violation of R.C. 2923.32(A)(1), which provides, "no person employed by, or associated with, any enterprise shall conduct or participate in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity or the collection of an unlawful debt." An enterprise, as defined by R.C. 2923.31(C), "includes any individual, sole proprietorship, partnership, limited partnership, corporation, trust, union, government agency, or other legal entity, or any organization, association, or group of persons associated in fact although not a legal entity." A pattern of corrupt activity is defined as, "two or more incidents of corrupt activity, whether or not there has been a prior conviction, that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected

in time and place that they constitute a single event." R.C. 2923.31(E).

{¶ 33} The jury heard evidence from David Gillespie that he, Gadberry, Baker, Eibeck, and Grundy were all involved in the sale and manufacturing of methamphetamine. Gillespie also testified that he would take Gasberry to various stores in order to procure the equipment and chemicals necessary for Grundy to manufacture methamphetamine. The jury also heard evidence that Grundy would solicit people to give him boxes of pseudoephedrine that he would then use to manufacture methamphetamine, and often exchanged methamphetamine for drug paraphernalia or pseudoephedrine. This evidence establishes that Grundy was involved with several individuals in an effort to manufacture methamphetamine. The state offered evidence that Grundy engaged in both the manufacturing and trafficking in drugs on separate occasions, thereby engaging in a pattern of corrupt activity. The jury could have found the essential elements of the crime proven beyond a reasonable doubt based on the evidence presented.

{¶ 34} Finally, Grundy was charged with and convicted of tampering with evidence in violation of R.C. 2921.12(A)(1), which provides, "no person, knowing that an official proceeding or investigation is in progress, or is about to be or likely to be instituted, shall do any of the following: alter, destroy, conceal, or remove any record, document, or thing, with purpose to impair its value or availability as evidence in such proceeding or investigation." The jury heard evidence that two vials of methamphetamine and a roll of cash were found in the bathroom hidden behind the toilet in Baker's home. Grundy testified that on the day the officers executed the search warrant, he was in the living room of Baker's home and that he ran toward the bedroom when he heard the officers forcing the door open after their knock and announce went unheeded. Grundy was apprehended by officers in close proximity to the bathroom and later nodded his head in affirmance when an officer alluded to him attempting to conceal methamphetamine and cash in the bathroom. After viewing the

evidence in a light most favorable to the prosecution, the jury could have found the essential elements of the crime proven beyond a reasonable doubt.

{¶ 35} Grundy attempted to rebut the charges and evidence against him. Defense counsel challenged the credibility of the state's witnesses, and specifically challenged David Gillespie's testimony because of his own charges. The defense further pointed out that Gillespie was a known drug addict who also suffered from bi-polar disorder and attention deficit hyperactive disorder. Grundy also testified in his own defense, and stated that while he sold to the undercover officer and used methamphetamine, he did not have any part in manufacturing the methamphetamine or engaging in a pattern of corrupt activity. Grundy testified that he only told detectives that he participated in the manufacturing process in the hopes of procuring a plea agreement. However, the jury was free to judge the credibility of the witnesses and the weight to be given to the evidence provided, as these issues are primarily matters for the trier of fact. *State v. Walker*, 12th Dist. No. CA2006-04-085, 2007-Ohio-911, ¶ 26. The fact that the jury disregarded Grundy's version of events does not mean, however, that the jury lost its way or created a manifest miscarriage of justice.

{¶ 36} After viewing the evidence in a light most favorable to the prosecution, any reasonable trier of fact could have found the essential elements of the crimes proven beyond a reasonable doubt. Having found that Grundy's convictions are supported by sufficient evidence and are not against the manifest weight of the evidence, his first and second assignments of error are overruled.

{¶ 37} Assignment of Error No. 3:

{¶ 38} THE DEFENDANT RECEIVED INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL.

{¶ 39} Grundy argues in his third assignment of error that he received ineffective assistance of counsel because his trial counsel failed to call an expert to testify about the

materials necessary to manufacture methamphetamine.

{¶ 40} The Sixth Amendment pronounces an accused's right to effective assistance of counsel. Warning against the temptation to view counsel's actions in hindsight, the United States Supreme Court has stated that judicial scrutiny of an ineffective assistance claim must be "highly deferential * * *." *Strickland v. Washington*, 466 U.S. 668, 689, 104 S.Ct. 2052 (1984). The court also stated that a reviewing court "must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance" and that a defendant must overcome "the presumption that, under the circumstances, the challenged actions 'might be considered sound trial strategy.'" *Id.*, quoting *Michel v. Louisiana*, 350 U.S. 91, 101, 76 S.Ct. 158 (1955).

{¶ 41} Also within *Strickland*, the Supreme Court established a two-part test which requires an appellant to establish that first, "his trial counsel's performance was deficient; and second, that the deficient performance prejudiced the defense to the point of depriving the appellant of a fair trial." *State v. Myers*, 12th Dist. No. CA2005-12-035, 2007-Ohio-915, ¶ 33, citing *Strickland*.

{¶ 42} Regarding the first prong, an appellant must show that his counsel's representation "fell below an objective standard of reasonableness." *Strickland*, 466 U.S. at 688. The second prong requires the appellant to show "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694. A reviewing court need not address the deficiency issue if appellant was not sufficiently prejudiced by counsel's performance because the appellant must prove both prongs in order to establish ineffective assistance of counsel. *Id.* at 697.

{¶ 43} Grundy argues that he was prejudiced by his trial counsel's failure to call an expert to testify that the materials found in the garage were "common everyday items." The jury was aware from the testimony that some of the items found in Baker's garage were

common everyday products, such as Coleman camping fuel. However, some items were not kept or used in a common fashion such as the blue coffee filters and mason jars that were adapted and combined for a purpose for which they were not originally intended.

{¶ 44} The state presented abundant evidence and testimony from experts regarding the materials and chemicals found in Baker's garage, and how some of the items had been modified so that they could be used in the manufacturing of methamphetamine. Grundy stipulated to the experts' qualifications, and the state also presented testimony from law enforcement officers who had received specialized training for investigating clandestine laboratories. None of these witnesses denied that some of the materials found were common everyday items or that their primary purpose was not for the manufacturing methamphetamine. However, the experts also testified that some of the items were modified and adapted specifically for their use in manufacturing methamphetamine.

{¶ 45} For example, officers found common propane tanks in Baker's garage that had been modified so that they could release gas into a sealed container to turn the liquid methamphetamine into a solid form. Officers also recovered coffee filters that were used to filter the solid methamphetamine from the leftover liquids. The mason jars had also been modified to act as the vessel for the "shake and bake" or "one-pot" method, and the jars tested positive for the presence of methamphetamine. While these items, as well as the Coleman camping fuel, lithium batteries, and pseudoephedrine, are not inherently criminal in nature, the jury heard testimony that the items had been modified or were otherwise used for the purpose of manufacturing methamphetamine. Moreover, Grundy's defense focused on his assertion that he did not know about the laboratory in the garage and that he took no part in the manufacturing process.

{¶ 46} Had Grundy called an expert to state that the items found in the garage had an innocent use, the state would have surely cross-examined the witness regarding the items'

well-established use in the manufacture of methamphetamine. Grundy's own expert would have then had to affirm that such materials could be used in the manufacturing process, especially in their modified state. Not calling another expert to testify as such can be attributed to trial strategy and was neither deficient conduct nor prejudicial to Grundy. As such, Grundy did not receive ineffective assistance of counsel, and his third assignment of error is overruled.

{¶ 47} Assignment of Error No. 4:

{¶ 48} THE COURT ABUSED ITS DISCRETION BY FAILING TO EVEN CONSIDER THE SENTENCING FACTORS SET FORTH IN R.C. 2929.12 AS MANDATED BY *STATE V. KALISH*.

{¶ 49} Grundy argues in his final assignment of error that the trial court abused its discretion by sentencing him to anything more than the minimum concurrent sentence.

{¶ 50} The Ohio Supreme Court has set forth a two-part test for appellate courts to use when reviewing an appellant's sentence. *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, ¶ 4. First, an appellate court is to review the sentence to "determine whether the sentence is clearly and convincingly contrary to law." *Id.* Should the sentence satisfy the first prong, "the trial court's decision shall be reviewed under an abuse-of-discretion standard." *Id.* An abuse of discretion "connotes more than an error of law or of judgment; it implies that the court's attitude is unreasonable, arbitrary or unconscionable." *State v. Jackson*, 107 Ohio St.3d 53, 2005-Ohio-5981, ¶ 181.

{¶ 51} "A sentence is not clearly and convincingly contrary to law, where the trial court considers the purposes and principles of R.C. 2929.11, as well as the factors listed in R.C. 2929.12, properly applies postrelease control, and sentences appellant within the permissible range." *State v. Elliott*, 12th Dist. No. CA2009-03-020, 2009-Ohio-5926, ¶ 10, citing *Kalish* at ¶ 18.

{¶ 52} Grundy concedes that his sentence was within the statutory guidelines set forth in R.C. 2929.14. Instead, he argues that the trial court failed to consider the factors set forth in R.C. 2929.11 and 2929.12. However, the trial court specifically stated in its judgment entry of sentence that it had specifically considered "the principles and purposes of sentencing under R.C. §2929.11, and has balanced the seriousness and recidivism factors under R.C. §2929.12." Before sentencing Grundy, the trial court also noted that it had read the pre-sentence investigation report, read various letters from Grundy's family, and considered all of the evidence presented at trial and in mitigation.¹ After permitting Grundy allocution, the trial court imposed its sentence. Considering everything in context, there is nothing in the record to suggest that the trial court imposed sentence without first considering the statutory guidelines.

{¶ 53} We also find that Grundy's sentence was not an abuse of discretion. The trial court noted, and we agree, that the seriousness of the crime was compounded by the fact that a minor was residing in the home at the time the manufacturing and sales occurred. Several witnesses testified to the dangers inherent in manufacturing methamphetamine and the explosive and incendiary nature of the chemicals and gasses used in the manufacturing process. Grundy placed the minor in danger every time he manufactured methamphetamine, and while within mere feet of her bedroom, he exposed her to the illicit world of drug use and drug trafficking.

{¶ 54} Grundy also elicited others to participate in the criminal enterprise by having people trade pseudoephedrine or other drug paraphernalia for manufactured methamphetamine. He also had others going to various stores to procure the material

1. The trial court did not state during the sentencing hearing that it had considered R.C. 2929.11 or 2929.12. However, a trial court speaks through its entries, and the sentencing transcript otherwise demonstrates that the trial court properly considered the statutory factors. See *State v. Ramey*, 3rd Dist. No. 2-11-11, 2012-Ohio-133.

required for manufacturing methamphetamine. After reviewing the record, we cannot say that the trial court's sentence, only two years more than the minimum mandatory sentence prescribed by statute, was arbitrary, unreasonable, or unconscionable. Having found no abuse of discretion, Grundy's final assignment of error is overruled.

{¶ 55} Judgment affirmed.

POWELL, P.J., and RINGLAND, J., concur.