

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**Nos. 94672 and 94673**

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**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**COREY WOODARD**

DEFENDANT-APPELLANT

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**JUDGMENT:  
AFFIRMED**

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Criminal Appeals from the  
Cuyahoga County Court of Common Pleas  
Case Nos. CR-531611 and CR-529323

**BEFORE:** Stewart, P.J., Celebrezze, J., and Jones, J.

**RELEASED AND JOURNALIZED:** January 13, 2011

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MELODY J. STEWART, P.J.:

{¶ 1} Defendant-appellant, Corey Woodard, entered a combined guilty plea to charges in two cases: in CR-529323, he pleaded guilty to one count of unlawful sexual conduct with a minor; in CR-531611, he pleaded guilty to counts of obstructing official business and resisting arrest. The court sentenced Woodard to five years (the maximum allowed) on the unlawful

sexual conduct with a minor count; 12 months (the maximum allowed) on the obstructing official business count; and 180 days on the resisting arresting count, to be served concurrent with the obstructing official business count. The unlawful sexual conduct with a minor count and the obstructing official business counts were ordered to be served consecutively. The court also classified Woodard as a Tier II sexual offender. In this consolidated appeal, Woodard complains that his guilty plea was invalid because the court failed to inform him of the potential penalties for the offenses and that the court abused its discretion by sentencing him to maximum, consecutive terms of incarceration.

## I

{¶ 2} Woodard's first assignment of error is that the court did not substantially comply with Crim.R. 11 because it failed to personally inform him of the registration requirements for a Tier II sexual offender.

{¶ 3} In *State v. Perry*, 8th Dist. No. 82085, 2003-Ohio-6344, we considered the registration requirements under the former Megan's Law and stated that "the registration and reporting requirements of R.C. 2950 do not need to be explained at a plea proceeding since they are remedial and not punitive in nature." (Citations omitted.) *Id.* at ¶9. We have since applied that same reasoning to guilty pleas that implicate registration requirements under the Adam Walsh Act. See *State v. Omiencinski*, 8th Dist. No. 90510,

2009-Ohio-1066, at ¶42; *State v. Kopchock*, 8th Dist. No. 92353, 2010-Ohio-3079, at ¶35. But even if the court had an obligation to inform Woodard that his guilty plea to unlawful sexual contact with a minor could subject him to future registration requirements, the record shows that the court did inform Woodard that he would be subject to the Tier II classification reporting requirement that he register in person every six months for the next 25 years.

{¶ 4} We also reject Woodard’s argument that the court failed to inform him of the elements of each offense. Crim.R. 11(C)(2)(a) requires the court to determine whether a defendant has an “understanding of the nature of the charges,” but that requirement does not require the court to inform the accused of the actual elements of the charged offense during the plea colloquy.

See *State v. Esner*, 8th Dist. No. 90740, 2008-Ohio-6654, at ¶3; *State v. Carpenter*, 8th Dist. No. 81571, 2003-Ohio-3019, at ¶2. The record shows that the court detailed both the charges and applicable penalties. Woodard indicated that he understood the nature of the charges against him, so the court fully complied with Crim.R. 11(C)(2)(a). See *State v. Wangul*, 8th Dist. No. 84698, 2005-Ohio-1175, at ¶10.

## II

{¶ 5} Woodard’s second and third assignments of error collectively challenge whether the court gave proper consideration to the statutory

sentencing factors before imposing maximum and consecutive terms of incarceration.

{¶ 6} In paragraph seven of the syllabus to *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470, the supreme court held that “[t]rial courts have full discretion to impose a prison sentence within the statutory range and are no longer required to make findings or give their reasons for imposing maximum, consecutive, or more than the minimum sentences.” See, also, *State v. Mathis*, 109 Ohio St.3d 54, 2006-Ohio-855, 846 N.E.2d 1, at paragraph three of the syllabus. While the trial court is required to consider certain statutory factors before sentencing, the court is not required to “use specific language or make specific findings on the record in order to evince the requisite consideration of the applicable seriousness and recidivism factors [of R.C. 2929.12.]” *State v. Arnett* (2000), 88 Ohio St.3d 208, 215, 724 N.E.2d 793. We have thus held that a recitation in a sentencing entry that the court considered “all required factors of the law” is sufficient to show the consideration required by the court. See *State v. Moon*, 8th Dist. No. 93673, 2010-Ohio-4483, at ¶14; *State v. Hawks*, 8th Dist. No. 93582, 2010-Ohio-4345, at ¶16; *State v. Howell*, 8th Dist. No. 92827, 2010-Ohio-3403, at ¶36.

{¶ 7} The court’s sentencing entries not only state that it “considered all required factors of the law,” but the court specifically noted the applicable sentencing factors on the record at sentencing and comments regarding those

factors. The court thus fulfilled its duty to consider the relevant statutory criteria.

{¶ 8} We also reject any argument that the length of Woodard's sentence constituted an abuse of the court's sentencing discretion. Even though he had yet to reach his 30th birthday, Woodward had already served six years in prison on an unrelated conviction and had a juvenile record. He was under postrelease control at the time he committed the offenses and had lied to his postrelease control officer. The victim of the sexual offense gave a compelling statement detailing the psychological trauma she suffered as a result of the crime. Woodard told the court that he did not know that the victim was only 15 years of age, but the court found that the presentence investigation report contained evidence to show that the victim's age was immaterial because Woodard used force to achieve unconsented sexual conduct (he was originally charged with rape but the state reduced that charge in the plea bargain). The police officer who was the victim of the resisting arrest charge said that the police tracked Woodard for five weeks in an attempt to execute an arrest warrant and required the use of the SWAT team to surround him. When the officer tried to apprehend Woodard, Woodard broke free from his grasp and the officer fell and suffered injuries. These factors sufficiently justified the length of Woodard's sentence; hence, we find that the court did not abuse its discretion.

**Judgment affirmed.**

It is ordered that appellee recover of appellant its costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the Cuyahoga County Court of Common Pleas to carry this judgment into execution. The defendant's conviction having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

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MELODY J. STEWART, PRESIDING JUDGE

FRANK D. CELEBREZZE, JR., J., and  
LARRY A. JONES, J., CONCUR