

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY**

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

STEVEN L. BRANDEL,

Defendant-Appellant.

CASE NO. 2026-L-0013

Criminal Appeal from the
Court of Common Pleas

Trial Court No. 2024 CR 001054

OPINION AND JUDGMENT ENTRY

Decided: September 8, 2026

Judgment: Affirmed

Charles E. Coulson, Lake County Prosecutor, and *Kristi L. Winner*, Assistant Prosecutor, Lake County Administration Building, 105 Main Street, P.O. Box 490, Painesville, OH 44077 (For Plaintiff-Appellee).

Edward M. Heindel, 2200 Terminal Tower, 50 Public Square, Cleveland, OH 44113 (For Defendant-Appellant).

MATT LYNCH, P.J.

{¶1} Appellant, Steven L. Brandel, appeals from the judgment entry of sentence issued by the Lake County Court of Common Pleas. At issue on appeal is the imposition of consecutive sentences for multiple sexual offenses committed against three victims. We affirm.

{¶2} In September 2024, the Lake County Grand Jury returned an indictment charging Brandel with four felonies of the third degree; to wit: three counts of gross sexual imposition (“GSI”) in violation of R.C. 2907.05(A)(4) and one count of GSI in violation of R.C. 2907.05(B). The indictment alleged there were three victims, all minors, and that

the offenses occurred between September 2023 and August 2024. Brandel initially pleaded not guilty to the charges.

{¶3} A change of plea hearing was held February 14, 2025, at which time Brandel entered a negotiated oral and written plea of guilty to three counts of GSI in violation of R.C. 2907.05(A)(4).¹ The State agreed to dismiss the remaining count of GSI and to recommend a consecutive total of five years in prison. The trial court engaged in a Crim.R. 11 plea colloquy, which included advising Brandel that each count carries a possible prison term in the range of 12 to 60 months and could amount to a consecutive maximum prison term of 180 months (plus a maximum fine of \$30,000.00). Brandel affirmed that no one promised what his sentence would be in this case and that he understood the court does not have to follow the parties' joint recommendation at the time of sentencing. The prosecutor provided the following factual basis for the charges:

The facts would show that the Defendant, between September 1st of 2023 and December 24th of 2023, in Mentor, Lake County, Ohio, had sexual contact with a minor girl that was less than 13 years of age.

He also, between January 18th of 2024 and May 31st of 2024, in Mentor, Lake County, Ohio, had sexual contact with a minor girl, a different individual than in Count 1, and she was less than 13 years of age.

And on August 13th of 2024, in Mentor, Lake County, Ohio, the Defendant had sexual contact with a minor girl less than 13 years of age, a different individual than in Count 1 and Count 2.

The trial court accepted Brandel's guilty pleas as knowing, intelligent, and voluntary and referred the matter for a presentence investigation.

{¶4} A sentencing hearing was held on March 12, 2025. Defense counsel highlighted that Brandel is a retired 74-year-old with health issues, whose only institutional

1. R.C. 2907.05(A)(4), "Gross sexual imposition," provides: "No person shall have sexual contact with another; cause another to have sexual contact with the offender; or cause two or more other persons to have sexual contact when . . . [t]he other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person."

violation was a suicide attempt while incarcerated on these charges. He has no prior felonies and only one prior conviction in 2002. He was a victim of sexual assault by a teacher while in high school and has an issue with alcohol. Brandel also has family in Minnesota who submitted a letter of support to the court. While out on bond, Brandel was unable to continue paying for the GPS ankle monitor or his hotel room, and counsel stated that he voluntarily turned himself in. Defense counsel requested a sentence “at the low end” of the sentencing guidelines, with the understanding that Brandel has accepted responsibility for his misconduct.

{¶5} Brandel personally addressed the court, apologizing for what he did to the victims, whom he identified as his granddaughters: “It was shameful. It was that good old alcohol issue that did me a job on that one. I understand that I’m guilty. I take responsibility for it.” Brandel requested a sentence of three years total, following which he would move to Minnesota with his family and “become a good Christian person again.”

{¶6} The State recommended a five-year prison sentence, “fashioned through consecutive sentences for each count.” The prosecutor offered that “[t]he injury to the victims was exacerbated by their age and by the relationship that they had with the Defendant” and that “the victims suffered serious psychological harm,” which is explained further in the victim impact statements submitted to the court. As the prosecutor explained, “There was a very thorough and commendable investigation done by the Mentor Police Department that both outlines the conduct and the interview of the Defendant in regards to that conduct that is in that report, and I won’t speak any further as to the facts. I’m confident that the Court is aware of them.” The prosecutor noted there is a presumption for prison in this case and opined that the injury and harm to the victims warrants consecutive sentences. Finally, the prosecutor again stated that “the

victims suffered serious psychological harm. It's my understanding that victim impact statements have been submitted to the Court. I don't think I could explain the harm any better than those statements themselves can, so I would defer to them."

{¶7} The trial court stated it had received and reviewed a letter from Brandel's siblings in Minnesota; victim impact statements from the mother and the father of the victims; the presentence report; and a psychological report prepared by Lake-Geauga Recovery Centers. The court considered its in-chambers conference with counsel; the statements made on the record by Brandel, defense counsel, and the prosecutor; the recommendations made by the parties; the overall purposes of felony sentencing pursuant to R.C. 2929.11; and the seriousness and recidivism factors in R.C. 2929.12. The court made the following findings on the record:

As noted, in part, by the State, I do find that several of the seriousness factors do apply, making this more serious than conduct normally constituting the offense. It includes the physical and mental injuries suffered by the victims due to the fact that it was exacerbated because of the age of the victims. The victims of the offense did all suffer serious psychological harm as a result of the offense. The offender's relationship to the victims also facilitated the offense.

With respect to recidivism, making it more likely that this offender is likely to commit future crimes, I do note the prior history of a criminal conviction in Minnesota for possession of prohibited pictures of minors in 2002, and frankly, after hearing the Defendant today and reviewing the presentence report and psychological exam, I do not believe the offender has shown any genuine remorse.

The court noted there is a presumption of prison in this case and made the following remarks and findings:

You know, grandparents are supposed to be supportive, and also parents are supposed to be supportive, and for a lot of people, grandparents are some of the most special people they will encounter in their lifetime. . . .

Here you took advantage of that relationship in the worst way possible. You caused permanent psychological injuries not only to your

grandchildren but also to the entire family. Those scars will last with them for a lifetime. So again, I have not seen any genuine remorse in this case.

Once again, just like in the reports, you claim that you were drunk, but as the law indicates, voluntary intoxication is not a defense. You seem much more concerned about yourself and what you're going to do in your future than the health and welfare of your own children and your grandchildren.

{¶8} The court found that prison is consistent with the purposes and principles of felony sentencing and that Brandel is not amenable to available community control sanctions. The court advised Brandel of the registration requirements for a Tier II sex offender and granted restitution to the mother of the victims in the amount of \$1,972.88. The court sentenced Brandel to 60 months in prison on each count, all to be served consecutively, for a total of 180 months, and made the following findings:

[C]onsecutive findings [sic] is necessary to protect the public from future crimes and to punish the offender, as well as noted by the State, at least two of the offenses were committed as part of courses of conduct, and the harm, in particular, caused by two or more of these offenses was so great and so unusual that no single prison term for any of the offenses committed as part of any courses of conduct would adequately reflect the seriousness of the offender's conduct. Frankly, each child deserves their justice, and that's why I imposed 60 months for each of the children under each of the counts.

Also, I find that the offender committed the worst form of the offense, and the offender poses the greatest likelihood of recidivism based on his past and based on his lack of remorse.

{¶9} The sentencing entry was journalized on March 17, 2025. Regarding consecutive sentences, the entry states as follows:

Pursuant to R.C. 2929.14(C)(4) and R.C. 2929.19(B)(2)(b), the Court finds for the reasons stated on the record that consecutive sentences are necessary to protect the public from future crime or to punish the Defendant and are not disproportionate to the Defendant's conduct and the danger the Defendant poses to the public, and that at least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses committed by the Defendant was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the

seriousness of the Defendant's conduct, and the Defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the Defendant.

{¶10} This court granted Brandel's motion for leave to file a delayed appeal. He raises one assignment of error for our review:

{¶11} "The trial court's imposition of consecutive sentences is not supported by the record as required by R.C. 2929.14(C)(4)."

{¶12} On appeal, Brandel contends there was insufficient evidence to support the trial court's findings regarding consecutive sentences as required by R.C. 2929.14(C)(4). He requests this court to vacate his sentence, remand the matter for resentencing, and instruct the trial court to impose a community control sanction with alcohol monitoring and housing needs. We find Brandel's argument wholly without merit.

{¶13} "Under Ohio's statutory sentencing scheme, there is a presumption that a defendant's multiple prison sentences will be served concurrently, R.C. 2929.41(A), unless certain circumstances not applicable in this case apply, *see, e.g.*, R.C. 2929.14(C)(1) through (3), or the trial court makes findings supporting the imposition of consecutive sentences under R.C. 2929.14(C)(4)." *State v. Jones*, 2024-Ohio-1083, ¶ 11. R.C. 2929.14(C)(4) provides:

If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to [R.C. 2929.16, 2929.17, or 2929.18], or was under post-release control for a prior offense.

(b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

"Though 'a trial court is required to make the findings mandated by R.C. 2929.14(C)(4) at the sentencing hearing and incorporate its findings into its sentencing entry, . . . it has no obligation to state reasons to support its findings. Nor is it required to give a talismanic incantation of the words of the statute, provided that the necessary findings can be found in the record and are incorporated into the sentencing entry.'" *Jones* at ¶ 11, quoting *State v. Bonnell*, 2014-Ohio-3177, ¶ 37.

{¶14} R.C. 2953.08(G)(2) instructs appellate courts reviewing the imposition of consecutive sentences as follows:

The court hearing an appeal under [R.C. 2953.08(A), (B), or (C)] shall review the record, including the findings underlying the sentence or modification given by the sentencing court.

The appellate court may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing court for resentencing. The appellate court's standard for review is not whether the sentencing court abused its discretion. The appellate court may take any action authorized by this division if it clearly and convincingly finds either of the following:

(a) That the record does not support the sentencing court's findings under [R.C. 2929.14(C)(4)];

(b) That the sentence is otherwise contrary to law.

"R.C. 2953.08(F) requires an appellate court to review the entire trial-court record, including any oral or written statements made to or by the trial court at the sentencing hearing, and any presentence, psychiatric, or other investigative report that was

submitted to the court in writing before the sentence was imposed. R.C. 2953.08(F)(1) through (4).” *Jones* at ¶ 12.

{¶15} “The standard to be applied is the standard set forth in the statute: an appellate court has the authority to increase, reduce, otherwise modify, or vacate a sentence only after it has reviewed the entire trial-court record and ‘clearly and convincingly f[ound] either . . . [t]hat the record does not support the sentencing court’s findings under [certain statutes]’ or ‘[t]hat the sentence is otherwise contrary to law,’ R.C. 2953.08(G)(2).” *Id.* at ¶ 13; *see also State v. Marcum*, 2016-Ohio-1002, ¶ 22.

{¶16} Brandel challenges the trial court’s finding under R.C. 2929.14(C)(4)(b), arguing the State did not establish the offenses constituted a “course of conduct.” We disagree. Brandel pleaded guilty to multiple offenses that did not occur all at once. Rather, they were committed at various times within a one-year timespan against three different, but similarly situated, victims. The trial court’s statements on the record indicate that it considered these facts when it found that “at least two of the multiple offenses were committed as part of one or more courses of conduct.” Accordingly, we do not clearly and convincingly find that the record does not support the trial court’s finding under R.C. 2929.14(C)(4)(b).

{¶17} Brandel also challenges the trial court’s finding under R.C. 2929.14(C)(4)(c), arguing that his history of criminal conduct is “minimal: he has a single [misdemeanor] conviction from 2002 and no prior felonies.” Although incorporated into the sentencing entry, the trial court did not find on the record at the sentencing hearing that Brandel’s “history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.” This is of no moment, however, as only one finding under either R.C. 2929.14(C)(4)(a), (b), or (c) is necessary

to support the imposition of consecutive sentences. Accordingly, because we have concluded that the trial court's finding under (C)(4)(b) is supported by the record, we decline to address any further the trial court's finding under (C)(4)(c).

{¶18} At sentencing, Brandel's counsel highlighted his alcohol and health issues, offered that he was a victim of sexual assault as a high school student, and requested minimal sanctions. On appeal, Brandel argues that "Ohio's prisons are not designed to function as nursing homes, yet the State continues to incarcerate elderly individuals with significant medical and social service needs." However, the trial court made the findings necessary for the discretionary imposition of consecutive prison sentences under R.C. 2929.14(C)(4); those findings are not clearly and convincingly unsupported by the record, R.C. 2953.08(G)(2), and they are memorialized in the sentencing entry. Moreover, the imposed sentence was within the statutory range for third-degree felonies, R.C. 2929.14(A)(3), and the trial court expressly considered the purposes and principles of felony sentencing, including the relevant seriousness and recidivism factors.

{¶19} Brandel's sole assignment of error is not well taken.

{¶20} The judgment of the Lake County Court of Common Pleas is affirmed.

JOHN J. EKLUND, J.,

SCOTT LYNCH, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this court, appellant's assignment of error is without merit. It is the judgment and order of this court that the judgment of the Lake County Court of Common Pleas is affirmed.

Costs to be taxed against appellant.

PRESIDING JUDGE MATT LYNCH

JUDGE JOHN J. EKLUND,
concur

JUDGE SCOTT LYNCH,
concur

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

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