

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
GREENE COUNTY

STATE OF OHIO

Appellee

v.

TERRANCE M. LEE

Appellant

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C.A. No. 2026-CA-22

Trial Court Case No. 2025 CR 0253

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on September 25, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



MICHAEL L. TUCKER, JUDGE

EPLEY, J., and HUFFMAN, J., concur.

OPINION
GREENE C.A. No. 2026-CA-22

STEVEN H. ECKSTEIN, Attorney for Appellant
MEGAN A. HAMMOND, Attorney for Appellee

TUCKER, J.

{¶ 1} Terrance M. Lee appeals from two rape convictions. Lee argues the trial court erred at the sentencing hearing by permitting the State to read a statement prepared by the lead investigating detective. For the reasons set forth below, we find no error and affirm.

I. Factual and Procedural Background

{¶ 2} On May 16, 2025, Lee was indicted on three counts of rape in violation of R.C. 2907.02(A)(1)(b), three counts of rape in violation of R.C. 2907.02(A)(2), two counts of sexual battery in violation of R.C. 2907.03(A)(5), and two counts of gross sexual imposition in violation of R.C. 2907.05(A)(1). All of the counts related to offenses against his stepdaughter that occurred when she was between 7 and 13 years old.

{¶ 3} Following negotiations, Lee and the State entered into a plea agreement whereby Lee agreed to plead guilty to two counts of rape in violation of R.C. 2907.02(A)(2). In exchange, the State agreed to dismiss the remaining counts. The parties did not reach an agreement regarding sentencing. A plea hearing was conducted on January 20, 2026, at which time the trial court accepted Lee's guilty pleas and found him guilty of both counts of rape.

{¶ 4} A sentencing hearing was conducted on February 26, 2026. At the hearing, the prosecutor indicated that he wished to read a statement written by the detective who was the lead investigator for this case. The prosecutor also indicated that he wished to adopt the statement as the State's "argument as to aggravating factors and in support of a more harsh

punishment.” The defense objected, arguing that the detective was neither a victim nor an expert and that his opinion as to sentencing was irrelevant. The trial court noted the objection but permitted the prosecutor to read the statement. The statement included information about the course of the investigation, the nature of the offenses, the length of time over which the offenses were committed, the methods Lee used to groom the victim and lure her into the areas where he committed the offenses, and the attempts of Lee to shift blame for the offenses onto the victim. The statement noted that Lee had absconded and hid in the woods after learning of the investigation. And the statement highlighted the serious harm, both physical and psychological, suffered by the minor victim.

{¶ 5} The trial court sentenced Lee to 11 years in prison on each rape conviction to be served consecutively for an aggregate term of 22 to 27 years in prison. Lee was also designated a Tier III Sex Offender.

{¶ 6} Lee appeals.

II. Sentencing Hearing

{¶ 7} Lee’s sole assignment of error is as follows:

THE SENTENCE IS CONTRARY TO LAW AS THE TRIAL COURT ALLOWED THE PROSECUTING ATTORNEY TO READ INTO THE RECORD AT SENTENCING A LETTER OF THE LAW ENFORCEMENT REPRESENTATIVE.

{¶ 8} Lee claims the sentence imposed by the trial court is contrary to law because the trial court violated R.C. 2929.19(A) when it permitted the State to read the detective’s sentencing statement.

{¶ 9} Trial courts have full discretion to impose a prison sentence within the permitted statutory range and are not required to make findings or give their reasons for imposing

maximum or more than the minimum sentences. *State v. Searls*, 2022-Ohio-858, ¶ 38 (2d Dist.), citing *State v. Kelly*, 2021-Ohio-325, ¶ 85 (2d Dist.). However, “in exercising its discretion, a trial court must consider the statutory policies that apply to every felony offense, including those set out in R.C. 2929.11 and R.C. 2929.12.” *Id.*

{¶ 10} When reviewing felony sentences, we must apply the standard of review set forth in R.C. 2953.08(G). *State v. Worthen*, 2021-Ohio-2788, ¶ 13 (2d Dist.). Under this statute, an appellate court may increase, reduce, or modify a sentence, or vacate it altogether and remand for resentencing, if it “‘clearly and convincingly’ finds either (1) the record does not support certain specified findings or (2) that the sentence imposed is contrary to law.” *Id.* The Ohio Supreme Court has stated that R.C. 2953.08(G)(2)(b) “‘does not provide a basis for an appellate court to modify or vacate a sentence based on its view that the sentence is not supported by the record under R.C. 2929.11 and 2929.12.’” *Id.* at ¶ 14, quoting *State v. Jones*, 2020-Ohio-6729, ¶ 39. Thus, when we review a felony sentence imposed after considering the factors in R.C. 2929.11 and 2929.12, we do not examine whether the sentence is unsupported by the record. *Id.*, quoting *State v. McDaniel*, 2021-Ohio-1519, ¶ 11 (2d Dist.). Rather, we simply determine whether the sentence is contrary to law. *Id.*, quoting *State v. Dorsey*, 2021-Ohio-76, ¶ 18 (2d Dist.); *Jones* at ¶ 26-29. A sentence is contrary to law when it falls outside the statutory range for the offense or if the sentencing court does not consider R.C. 2929.11 and 2929.12. *State v. Brown*, 2017-Ohio-8416, ¶ 74 (2d Dist.).

{¶ 11} Lee was convicted of two counts of rape (force or threat of force) in violation of R.C. 2907.02(A)(2). Both offenses constitute felonies of the first degree. R.C. 2907.02(B). The 11-year sentence imposed for each rape conviction falls within the statutory range for first degree felonies. R.C. 2929.14(A)(1)(a). The trial court expressly stated that it had

considered the purposes and principles of felony sentencing as set forth in R.C. 2929.11 as well as the sentencing factors contained in R.C. 2929.12. Additionally, the trial court made the necessary findings for the imposition of consecutive sentences, as set forth in R.C. 2929.14(C). Lee does not claim that the sentence falls outside of these statutory parameters or that the trial court failed to consider the R.C. 2929.11 and 2929.12 factors.

{¶ 12} Instead, Lee's argument focuses on the trial court's alleged error in permitting the prosecutor to read the statement of the detective. He argues that R.C. 2929.19(A) "sets out the prosecutor as a specific person to speak for the state," and that "by specifying the prosecuting attorney may speak at sentencing, R.C. 2929.19(A) specifically prohibits the speaking of others either, in person or by letter, as to the state's position on sentencing." Thus, he claims the trial court violated the terms of R.C. 2929.19(A), thereby rendering the sentence contrary to law.

{¶ 13} R.C. 2929.19(A) provides, "At the [sentencing] hearing, the offender, the prosecuting attorney, the victim or the victim's representative in accordance with section 2930.14 of the Revised Code, and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case." R.C. 2929.19(A) unambiguously permits the trial court to consider information presented at the sentencing hearing by *any* person, provided the information is presented with the approval of the trial court and it is *relevant* to the imposition of sentence.

{¶ 14} The trial court allowed the detective's letter to be read at the hearing. The only issue, then, is whether the detective's statement contained relevant information. In discussing the type of information that may be considered at sentencing, we have noted that "[t]he evidence the court may consider is not confined to the evidence that strictly relates to the conviction offense because the court is no longer concerned . . . with the narrow issue

of guilt.” *State v. Bowser*, 2010-Ohio-951, ¶ 14 (2d Dist.). A court may consider hearsay evidence, prior arrests, facts supporting a charge that resulted in an acquittal, and facts related to a charge that was dismissed under a plea agreement. *Id.* at ¶ 15-16. “[B]ased on how the court perceives true facts in a case, it may believe that the offender committed a crime other than, or in addition to, the one to which he pleaded.” *Id.* at ¶ 20. The court may even consider “allegations of uncharged criminal conduct found in a PSI report.” *Id.* at ¶ 15. In other words, a trial court may rely on a “broad range of information. *Id.* at ¶ 13.

{¶ 15} Importantly, Lee does not claim that any of the information set forth in the detective’s statement was irrelevant to the issue of sentencing. Instead, he argues that the introduction of the statement was error because the detective’s thoughts on sentencing were irrelevant. However, a review of the statement shows that the detective did not render any opinion as to the appropriate sentence that ought to be imposed and that he clearly deferred to the court regarding the appropriate sentence. The statement merely requested that the trial court consider information relevant to the appropriate statutory sentencing factors. And from our review of the statement, we conclude it does set forth information relevant to the sentencing factors contained in R.C. 2929.12.

{¶ 16} Lee further argues that it was improper to permit the detective to “speak” as to the state’s position on sentencing. Again, the statement did not make any recommendations as to sentencing. Further, the prosecutor expressly stated that he adopted the statement merely to highlight the seriousness factors of R.C. 2929.12 that would merit a longer sentence. After reading the statement, the prosecutor proceeded to make a sentencing recommendation. We cannot discern how the fact that the statement was read and adopted by the prosecutor as a summary of the seriousness factors set forth in R.C. 2929.12 violates

R.C. 2929.19(A). Thus, we find no error in the trial court's decision to permit the statement to be read by the prosecutor.

{¶ 17} On this record, we can find no error in the trial court's decision to permit the prosecutor to read the detective's statement. Accordingly, Lee's sole assignment of error is overruled.

III. Conclusion

{¶ 18} Lee's assignment of error being overruled, the judgment of the trial court is affirmed.

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EPLEY, J., and HUFFMAN, J., concur.