

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

STATE OF OHIO

Appellee

v.

GEORGE HAWKINS

Appellant

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C.A. No. 2025-CA-34

Trial Court Case No. 2025 CR 105

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on October 2, 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,



MARY K. HUFFMAN, JUDGE

TUCKER, J., and EPLEY, J., concur.

OPINION
CHAMPAIGN C.A. No. 2025-CA-34

JENNIFER E. MARIETTA, Attorney for Appellant
JANE A. NAPIER and BENJAMIN T. HOSKINSON, Attorneys for Appellee

HUFFMAN, J.

{¶ 1} George Hawkins appeals from his judgment entry of conviction on one count each of domestic violence and felonious assault. For the following reasons, the judgment of the trial court is affirmed.

Facts and Procedural History

{¶ 2} On September 26, 2025, Hawkins was charged with domestic violence in Champaign County Municipal Court. On October 1, 2025, he executed a waiver of right to a preliminary hearing and requested that the matter be bound over to the Champaign County Common Pleas Court. A Champaign County grand jury returned an indictment on October 15, 2025, charging Hawkins with one count of felonious assault and one count of domestic violence (Counts One and Two). He pleaded not guilty. On November 3, 2025, Hawkins was indicted on felonious assault, domestic violence, and two counts of menacing by stalking (Counts Three to Six). The indictment alleged the victim was H.H., Hawkins's wife.

{¶ 3} On November 26, 2025, Hawkins pleaded guilty to an amended Count Two (all language referring to prior convictions was deleted) and to Count Three. Counts One, Four, Five, and Six were dismissed. The court sentenced Hawkins to a minimum term of 8 years up to a maximum term of 12 years for felonious assault and a term of 180 days for domestic violence. He timely appealed.

Assignments of Error and Analysis

I. Jail-Time Credit

{¶ 4} Hawkins asserts two assignments of error. He first argues that he was not properly notified and awarded jail-time credit pursuant to R.C. 2929.19(B)(2)(g)(i). In his initial brief, Hawkins asserts that he was entitled to 45 days of jail-time credit. Specifically, he argues that he was held from September 26, 2025, until September 29, 2025, giving him four days of credit. He asserts that he was subsequently arrested “on or about” October 17, 2025, and “did not bond out” until November 26, 2025, so that he was entitled to an additional 41 days.

{¶ 5} The State claims that Hawkins was properly awarded credit for one day on September 26, 2025. It further notes that Hawkins’s judgment entry of conviction provides that the court considered a narrative provided by Lieutenant Ryan Black that was made available to the parties. According to the State, the narrative establishes that Hawkins was taken into custody on October 20, 2025, where he remained until he entered his pleas, and that the court properly credited him with 38 days.

{¶ 6} In his reply brief, Hawkins asserts that “[a]ssuming the State is correct” that he is entitled to only one day of credit for September 26, 2025, the total award is still incorrect. He argues that the State “relies on an officer narrative without surrounding context, rather than the Champaign County Municipal Court Transfer entries filed and made an official part of the record, and the Return of Summons on Indictment signed by Ryan Black.” Hawkins claims that he “was originally arrested for Felonious Assault on October 17, 2025, and held under Champaign [County] Municipal Court Case No. 25CRA00511-A.” He asserts that “Black served [him] in the Champaign County Jail, where he already was,” on October 20, 2025. Hawkins asserts that he is entitled to 42 days of jail-time credit.

{¶ 7} Hawkins did not object to his jail-time credit at the time of sentencing, and as a result, he has waived all but plain error for purposes of appeal. *State v. McDonald*, 2015-Ohio-1911, ¶ 13 (1st Dist.). Plain error is an error that affects substantial rights that may be noticed on appeal although it was not brought to the attention of the trial court. Crim.R. 52(B). Plain error cannot be found unless, but for the error, the outcome clearly would have been different. *State v. Long*, 53 Ohio St.2d 91, 97 (1978). “[P]lain error should be found only in exceptional circumstances and only to prevent a manifest miscarriage of justice.” *State v. Hill*, 92 Ohio St.3d 191, 203 (2001), citing *Long* at paragraph three of the syllabus.

{¶ 8} R.C. 2967.191 governs credit for confinement while awaiting trial and commitment and requires the Ohio Department of Rehabilitation and Correction (“ODRC”) to reduce a felony offender’s prison term “by the total number of days that the prisoner was confined for any reason arising out of the offense for which the prisoner was convicted and sentenced.” R.C. 2949.08(D) states: “For purposes of divisions (B) and (C) of this section, a person shall be considered to have been confined for a day if the person was confined for any period or periods of time totaling more than eight hours during that day.”

{¶ 9} “Although R.C. 2967.191 imposes a duty on the [ODRC] to credit a prisoner for his or her pretrial confinement, it is the trial court’s responsibility to make the factual determination as to the number of days of confinement that a defendant is entitled to have credited toward his or her sentence.” *State v. Litteral*, 2024-Ohio-2092, ¶ 21 (2d Dist.), citing *State ex rel. Rankin v. Ohio Adult Parole Auth.*, 2003-Ohio-2061, ¶ 7. “A defendant must be informed of the total number of days of jail-time credit to which he or she is entitled at the time of sentencing, up to and including the sentencing date, and such number must be included in the sentencing entry.” *Id.*, citing R.C. 2929.19(B)(2)(g)(i). “Where a trial court fails to award jail-time credit at the time of sentencing and a defendant is not given the opportunity

to be heard on the issue of jail-time credit, a limited resentencing is appropriate for the trial court to specify the total number of days of jail-time credit and to allow the defendant an opportunity to be heard on the issue of jail-time credit.” *State v. Thompson*, 2025-Ohio-2168, ¶ 90 (2d Dist.), citing *State v. Dearmond*, 2022-Ohio-3252, ¶ 16 (2d Dist.).

{¶ 10} At disposition, the court advised Hawkins, “The Defendant has 39 days of jail-time credit. He’ll receive additional jail-time credit pending delivery to prison.” The judgment entry of conviction states that Hawkins was entitled to 39 days of jail-time credit, representing one day on September 26, 2025, and 38 days from October 20, 2025, to November 26, 2025.

{¶ 11} The record reflects that Hawkins was arrested on September 26, 2025, and that he bonded out on the same day. He appears to have conceded in his reply brief that the court’s calculation of one day is correct. Ryan Black’s narrative reflects that at 11:48 p.m. on October 19, 2025, he encountered H.H. walking along U.S. Route 36 without shoes and with a black eye. After he stopped H.H., she advised that she had fled from Hawkins’s vehicle after a domestic dispute. H.H. was taken to the “Miami Office” to provide a written statement, and then she was taken to Mercy Health. The narrative states that at 1:45 a.m. on October 20, 2025, Black and other officers proceeded to a Pisgah Road address where Hawkins was located in a tan Ford F150 and taken into custody. According to the narrative, Hawkins was then “transported to the Tri-County Regional Jail,” where he remained until his pleas on November 26, 2025, meaning he was entitled to 38 days of jail-time credit, for a total of 39 days. There being no plain error, or any error, in the trial court’s calculation of jail-time credit, Hawkins’s first assignment of error is overruled.

II. Ineffective Assistance of Counsel

{¶ 12} In his second assignment of error, Hawkins argues that he received ineffective

assistance of counsel at disposition. According to Hawkins, counsel characterized him as unaccountable and “questioned the victim’s credibility, resulting in the Court ordering the maximum possible sentence.” He notes that counsel advised the court that he believed that H.H. and Hawkins’s cousin S.R. were having an affair and that they had plotted “to provoke Hawkins into an assault.” He argues that defense counsel’s statements “negatively impacted the Court’s view of [him] in regard to mitigation, and fell below the standard of objectively reasonable representation.” Hawkins claims his sentence “would have been more likely to [be] below the maximum but for Counsel’s errors.”

{¶ 13} To prevail on an ineffective assistance of counsel claim, a defendant must prove that his attorney was ineffective under two-part analysis set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). First, the defendant must show that counsel’s performance was deficient. *Id.* at 687. “This requires showing that counsel made errors so serious that counsel was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense.” *Id.*

{¶ 14} As to the first part, much deference is given to trial counsel. “[A] court must indulge in a strong presumption that the challenged action might be considered sound trial strategy. Thus, judicial scrutiny of counsel’s performance must be highly deferential.” *State v. Bird*, 81 Ohio St.3d 582, 585 (1998). “A debatable decision involving trial tactics generally does not constitute a deprivation of effective counsel.” *State v. Russell*, 2007-Ohio-137, ¶ 50 (2d Dist.). “Hindsight is not permitted to distort the assessment of what was reasonable in light of counsel’s perspective at the time.” *State v. Cook*, 65 Ohio St.3d 516, 524-525 (1992).

{¶ 15} If the first part is met, then “prejudice” may be considered. To demonstrate prejudice, “the defendant must prove that there exists a reasonable probability that, were it

not for counsel's errors, the result of the trial would have been different." *State v. Bradley*, 42 Ohio St.3d 136 (1989), paragraph one of the syllabus. Speculation does not prove either part of the *Strickland* analysis. *State v. Morgan*, 2017-Ohio-7565, ¶ 53 ("speculation cannot prove prejudice"); *State v. Powell*, 2012-Ohio-2577, ¶ 86 (speculative argument cannot be a basis for finding deficient performance under an ineffective assistance of counsel claim). A "court need not [first] determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies." *Strickland* at 697. "If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, . . . that course should be followed." *Id.*

{¶ 16} Hawkins directs our attention to an exchange between defense counsel and the court in which defense counsel stated that Hawkins "had gotten some information that [H.H.] might have been working with [S.R.] to try and set him up." Defense counsel indicated, "[H.H.] has not been very consistent through this case." Defense counsel opined, "I know it is easy to point at my client's record and say she must be scared of him. But I think there are other things going on as well." When asked to elaborate, the following exchange occurred:

[DEFENSE COUNSEL]: Like [S.R.'s] involvement in drug trade in the area. And other relationships that they both had. My client had previously been involved with [S.D.]. Who was involved with [S.R.]. I believe [S.D.] has gone to prison for drug activity in this area. And so, like I said, there is some bigger [context] going on. Again, that is not to excuse the behavior.

THE COURT: Well, Counsel, the reason I'm trying to drill down a little bit is because you are seeking to paint a picture that [H.H.] isn't credible. But I'm not sure I understand what her credibility as to do with the fact that the

Defendant has admitted to beating her in Count Two and beating her in Count Three? And we're past the point of did he do it or not. And that is why I was very clear during the plea, you understand that complete admission of guilty means that there is no kind of did it or sort of did it.

. . .

THE COURT: Let's say, just for the sake of discussion, that [H.H.] was trying to set Defendant up. By set up, I don't know what that means. And let's say [S.R.] is a drug dealer. And let's say that your client and [S.R.] did share romances with [S.D.]. So what?

[DEFENSE COUNSEL]: I think that is what led to the arguments that led to the incidents is my point.

[THE COURT]: The argument is that he's upset with her because he thinks that she's hooking up with [S.R.]?

[DEFENSE COUNSEL]: Yes.

. . .

[DEFENSE COUNSEL]: I was trying to get to the point that the court did get to.

{¶ 17} Defense counsel further advised the court that Hawkins “admits that he’s had issues with methamphetamine over the last few years,” and that H.H. “has as well.” Counsel emphasized that Hawkins “made several statements regarding his substance use and his desire to try to overcome that.” Counsel stated that “we are not denying that the injuries are bad and that his record is bad, but we did want the Court to have some of the context around the situation in order to . . . really weigh all of it.” Counsel made the court aware of Hawkins’s concerns about his elderly parents not surviving his incarceration and “about being away

from his family.” Counsel highlighted a 2019 presentence investigation report, which stated that Hawkins had a traumatic childhood and “significant substance abuse history up until this point.” Stressing that if Hawkins were incarcerated, he would need services to address his alcohol and drug usage, counsel requested leniency and a sentence of no more than five years.

{¶ 18} Hawkins then told the court that he had slapped and hit H.H. because he believed she was having “relations” with S.R. He stated that he was on methamphetamine and drunk at the time. Hawkins advised that he did not trust S.R. and did not trust H.H. to be with S.R.

{¶ 19} The court noted that Hawkins had 15 juvenile adjudications, 7 of which involved “antisocial violent acts like disorderly conduct and domestic violence,” as well as 5 theft offenses and a Department of Youth Services commitment. The court stated that, as an adult, Hawkins had 40 criminal convictions, including 33 involving antisocial violent acts and a felony trespassing offense. The court stated: “So when you tell me you need help, you’ve been to a [Community-Based Correctional Facility] before. You’ve been to inpatient before. You’ve been to prison before. And I don’t know what we can do to assist you other than to control where you are at.” It was significant to the court that Hawkins’s violent criminality involved not just one victim but multiple women, as well as men. The court acknowledged that Hawkins had “suffered physical abuse at the hands of people that were associated in your stepfamily.” The court advised Hawkins that it did not find substantial grounds in mitigation, and that whether S.R. “is having some type of relationship with [H.H.] does not justify the physical assault of [H.H.]”

{¶ 20} On this record, ineffective assistance of counsel is not demonstrated. Hawkins misstates the record in asserting that defense counsel characterized him as unaccountable;

counsel repeatedly stressed Hawkins’s commitment to obtain treatment and stop his drug and alcohol usage. Nor do we find that the characterization of H.H. as less than credible resulted in prejudice; the court specifically stated that H.H.’s credibility had no bearing on its consideration regarding Hawkins’s sentence. Significantly, Hawkins himself reiterated that he believed H.H. and S.R. were having “relations.” Put differently, the record does not establish that but for the statements by defense counsel, Hawkins would have received a lesser sentence; Hawkins merely speculates. In considering his sentence, Hawkins further overlooks that he was originally charged with two counts of domestic violence, two counts of felonious assault, and two counts of menacing by stalking, and language specifically documenting five prior convictions for domestic violence in Champaign County was removed from Count Two. Finally, Hawkins’ extensive criminal history, his victimization of multiple people, and his failure to respond to several previously imposed sanctions were instructive to the court. Based on the foregoing, Hawkins cannot demonstrate that he was prejudiced by defense counsel’s remarks. His second assignment of error is accordingly overruled.

Conclusion

{¶ 21} The trial court’s award of jail-time credit was proper, and Hawkins did not receive ineffective assistance of counsel. The judgment of the Champaign County Common Pleas Court is affirmed.

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TUCKER, J., and EPLEY, J., concur.