

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

STATE OF OHIO

Appellee

v.

JOSHUA MATTHEW SHORT

Appellant

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C.A. No. 2025-CA-28

Trial Court Case No. 2025 CR 065

(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,



CHRISTOPHER B. EPLEY, JUDGE

LEWIS, P.J., and HANSEMAN, J., concur.

OPINION
CHAMPAIGN C.A. No. 2025-CA-28

APRIL F. CAMPBELL, Attorney for Appellant
JANE A. NAPIER, Attorney for Appellee

EPLEY, J.

{¶ 1} Joshua Matthew Short appeals his conviction in the Champaign County Common Pleas Court on one count of child endangering, a second-degree felony, and one count of illegal use of a minor in nudity-oriented material, a fifth-degree felony, following his guilty plea. Short contends his sentence is contrary to law. For the reasons that follow, we affirm.

I. Facts and Procedural History

{¶ 2} Short was a firefighter with the JSP Joint Fire District in Saint Paris, Ohio. The victim was a seventeen-year-old student in the JSP junior firefighter program. Short, a 39-year-old married father at the time, requested and began receiving nude photographs from the victim. In exchange, he sent photos to the victim. Eventually, Short began having a sexual relationship with the victim.

{¶ 3} On September 9, 2025, Short pled guilty to one count of child endangering and one count of illegal use of a minor in nudity-oriented material. After a presentence investigation, the trial court sentenced him to a minimum of four years to a maximum of six years in prison for child endangering and to one year in prison for illegal use of a minor in nudity-oriented material, to be served concurrently. The court ordered Short to pay restitution of \$900 and court costs. Short also was deemed a Tier II sex offender.

{¶ 4} Short appeals from his conviction, raising one assignment of error.

II. Review of Short's Sentence

{¶ 5} In his lone assignment of error, Short asserts that there is clear and convincing evidence that the record does not support the trial court's sentence and that his sentence is contrary to law.

{¶ 6} A trial court has full discretion to impose any sentence within the authorized statutory range, and it is not required to make any findings or give its reasons for imposing such a sentence up to the maximum term. *State v. Hanson*, 2026-Ohio-53, ¶ 6 (2d Dist.). "However, a trial court must consider the statutory criteria that apply to every felony offense, including those set out in R.C. 2929.11 and R.C. 2929.12." *Id.*

{¶ 7} Trial courts must be guided by the overriding purposes of felony sentencing set forth in R.C. 2929.11. *State v. Coleman*, 2026-Ohio-2961, ¶ 33 (2d Dist.). Those purposes are threefold: "to protect the public from future crime by the offender and others, to punish the offender, and to promote the effective rehabilitation of the offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources." R.C. 2929.11(A). "[A] sentencing court may place such weight on each of the purposes as the circumstances of the case require." *State v. King*, 2024-Ohio-5347, ¶ 13 (2d Dist.), quoting *State v. Bittner*, 2019-Ohio-3834, ¶ 18 (12th Dist.).

{¶ 8} R.C. 2929.12(B) sets forth ten factors indicating that an offender's conduct is more serious than conduct normally constituting the offense; R.C. 2929.12(C) sets forth four factors indicating that an offender's conduct is less serious than conduct normally constituting the offense. R.C. 2929.12(D) and (E) each list five factors that trial courts are to consider regarding the offender's likelihood of committing future crimes. For each of these categories, the trial court may also consider "any other relevant factors." Finally, R.C.

2929.12(F) requires the sentencing court to consider the offender's military service record, if any, and whether the offender has a condition traceable to that service that contributed to the commission of the offense.

{¶ 9} In reviewing felony sentences, we must apply the standard of review set forth in R.C. 2953.08(G)(2). *State v. Marcum*, 2016-Ohio-1002, ¶ 7. "Under this statute, an appellate court may increase, reduce, or modify a sentence, or it may vacate the sentence and remand for resentencing, only if it clearly and convincingly finds either: (1) the record does not support the sentencing court's findings under certain enumerated statutes, or (2) the sentence is otherwise contrary to law." *State v. Pigg*, 2026-Ohio-375, ¶ 17 (2d Dist.), citing *Marcum* at ¶ 9, citing R.C. 2953.08(G)(2).

{¶ 10} However, "[n]othing in R.C. 2953.08(G)(2) permits an appellate court to independently weigh the evidence in the record and substitute its judgment for that of the trial court concerning the sentence that best reflects compliance with R.C. 2929.11 and 2929.12." *State v. Jones*, 2020-Ohio-6729, ¶ 42. Accordingly, "[w]hen reviewing felony sentences that are imposed *solely* after considering the factors in R.C. 2929.11 and R.C. 2929.12, we do not analyze whether those sentences are unsupported by the record." (Emphasis added.) *State v. McDaniel*, 2021-Ohio-1519, ¶ 11 (2d Dist.).

{¶ 11} *Jones* does not preclude claims that a sentence was imposed based on impermissible considerations, namely considerations that fall outside of R.C. 2929.11 and 2929.12. *State v. Bryant*, 2022-Ohio-1878. But Short has not made that argument.

{¶ 12} The record demonstrates that the court considered the factors enumerated in R.C. 2929.12 and the purposes and principles of sentencing in R.C. 2929.11 at the dispositional hearing. Furthermore, the trial court's Journal Entry of Judgment, Conviction, and Sentence memorializes the court's findings under R.C. 2929.11 and 2929.12, which are

supported by the record. The prison terms are within the statutory ranges for the crimes Short committed and are not contrary to law. Accordingly, the assignment of error is overruled.

III. Conclusion

{¶ 13} Having overruled the assignment of error, the judgment of the trial court is affirmed.

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LEWIS, P.J., and HANSEMAN, J., concur.