

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

STATE OF OHIO

Appellee

v.

JAY ALAN MAIL

Appellant

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C.A. No. 2026-CA-20

Trial Court Case No. 25-CR-451

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on October 16, 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

LEWIS, P.J., and TUCKER, J., concur.

OPINION
CLARK C.A. No. 2026-CA-20

ALANA VAN GUNDY, Attorney for Appellant
JOHN M. LINTZ, Attorney for Appellee

HUFFMAN, J.

{¶ 1} Jay Mail appeals from a judgment entry of conviction on one count of failure to comply with an order or signal of a police officer (failure to comply). For the following reasons, the judgment of the trial court is affirmed.

Facts and Procedural History

{¶ 2} On June 16, 2025, Mail was indicted on two counts of failure to comply (each with a firearm specification) and one count each of carrying a concealed weapon, improper handling of firearms in a motor vehicle, and having weapons while under disability. All counts of the indictment carried a forfeiture specification for a Glock handgun. The charges arose from an incident that occurred on June 9, 2025, near a Sunoco gas station on Selma Road in Springfield, during which Mail fled from a traffic stop, failed to stop at a stop sign, and crashed head-on into a parked car, causing serious damage to the vehicle. Mail and other occupants of his vehicle then fled on foot, but Mail was subsequently apprehended. He told police that he had fled because he knew there was an active warrant for his arrest. A loaded Glock 45 handgun and oxycodone were found in his vehicle. Mail admitted that the gun and narcotics were his. He was later indicted in a separate case on one count of possession of drugs. On January 30, 2026, Mail pleaded guilty to failure to comply, and the remaining charges and specification were dismissed in both cases. On February 19, 2026, the court sentenced Mail to 12 months in prison, suspended his driver's license for five years, and ordered the forfeiture of the weapon. Mail timely appealed.

Assignments of Error and Analysis

{¶ 3} Mail asserts two assignments of error, which we consider together. He initially argues that his sentence is contrary to law because “it relied on improper and speculative factors, including unproven and unsupported conduct, in violation of R.C. 2929.11 and 2953.08(G)(2).” He directs our attention to a comment by the court at disposition that items in Mail’s vehicle suggested that he was “doing other stuff that probably wasn’t legal” despite knowing there were other occupants in the vehicle. According to Mail, his sentence was based on conjecture “rather than on actual facts established in the record,” and the court inferred “additional, unproven wrongdoing.”

{¶ 4} In his second assignment of error, Mail argues that the court failed “to properly consider and apply the mitigating factors under R.C. 2929.12, resulting in a sentence that is unsupported by the record.” He argues that “the record contains significant mitigating factors weighing against the imposition of a prison term.” He notes that he was only 19 years old at the time of his plea, had no prior felony record, expressed remorse, and received a score of 12 on the Ohio Risk Assessment System (“ORAS”). Mail notes that defense counsel emphasized that he had no history of violence, was not on probation or parole, and “had taken steps toward improving his circumstances, including seeking employment.” According to Mail, while the court “acknowledged certain mitigating factors, the record does not reflect that those factors were meaningfully applied in determining the sentence.” He argues that he was amenable to rehabilitation, and he seeks remand for resentencing.

{¶ 5} “The trial court has full discretion to impose any sentence within the authorized statutory range, and the court is not required to make any findings or give its reasons for imposing maximum or more than minimum sentences.” *State v. King*, 2013-Ohio-2021, ¶ 45 (2d Dist.), citing *State v. Foster*, 2006-Ohio-856, paragraph seven of the syllabus. 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 2929.12. *State v. Leopard*, 2011-Ohio-3864, ¶ 11 (2d Dist.), citing *State v. Mathis*, 2006-Ohio-855, ¶ 38.

{¶ 6} The overriding purposes of felony sentencing are set forth in R.C. 2929.11, which states:

(A) A court that sentences an offender for a felony shall be guided by the overriding purposes of felony sentencing. The overriding purposes of felony sentencing are 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. To achieve those purposes, the sentencing court shall consider the need for incapacitating the offender, deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both.

(B) A sentence imposed for a felony shall be reasonably calculated to achieve the three overriding purposes of felony sentencing set forth in division (A) of this section, commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim, and consistent with sentences imposed for similar crimes committed by similar offenders.

{¶ 7} R.C. 2929.12 sets forth the seriousness of crime and recidivism factors to be considered by a trial court when imposing a sentence under R.C. 2929.11. R.C. 2929.12(A) states:

Unless otherwise required by section 2929.13 or 2929.14 of the Revised Code, a court that imposes a sentence under this chapter upon an offender for a felony has discretion to determine the most effective way to comply with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

{¶ 8} R.C. 2929.12(B) through (F) then provide several factors for the court to consider, “relating to matters such as the seriousness of the offender’s conduct, the likelihood of the offender’s recidivism, and the offender’s service in the armed forces of the United States, if any.” *State v. Jones*, 2020-Ohio-6729, ¶ 19. The trial court may also consider “any other factors that are relevant to achieving those purposes and principles of sentencing.” R.C. 2929.12(A). “[N]either R.C. 2929.11 nor 2929.12 requires a trial court to make any specific factual findings on the record.” *Jones* at ¶ 20, citing *State v. Wilson*, 2011-Ohio-2669, ¶ 31, and *State v. Arnett*, 88 Ohio St.3d 208, 215 (2000).

{¶ 9} At sentencing, “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.), citing *Williams v. New York*, 337 U.S. 241, 246 (1949). “A court may consider, for example, the circumstances underlying the offense, information contained in a presentence investigation report, 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.” *State v. Worthen*, 2021-Ohio-2788, ¶ 9 (2d Dist.), citing *State v. McNeil*, 2020-Ohio-3202, ¶ 14 (2d Dist.); *State v. Bodkins*, 2011-Ohio-1274, ¶ 43 (2d Dist.).

{¶ 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 that

statute, an appellate court may increase, reduce, or modify a sentence, or vacate it all together 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.* However, the Supreme Court of Ohio has observed 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 *Jones* at ¶ 39. Thus, when we review a felony sentence imposed solely after considering the factors in R.C. 2929.11 and 2929.12, we do not examine whether the sentence was unsupported by the record, but rather, we simply determine whether the sentence is contrary to law. *Id.*, quoting *State v. McDaniel*, 2021-Ohio-1519, ¶ 11 (2d Dist.), and *State v. Dorsey*, 2021-Ohio-76, ¶ 18 (2d Dist.). 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. *Dorsey* at ¶ 18, quoting *State v. Brown*, 2017-Ohio-8416, ¶ 74 (2d Dist.).

{¶ 11} At disposition, the trial court noted that the police report reflected that Mail ran through stop signs before crashing, endangering the police officers from whom he fled and other individuals. The court emphasized that Mail then fled again rather than accept responsibility for the damage he had caused. The court noted Mail’s criminal history of one adult complicity offense, which was reduced to unauthorized use of property, a fourth-degree misdemeanor. The court indicated that the vehicle driven by Mail contained “a Glock, suspected marijuana, a baggy with 17 pills, a black ski mask, credit cards belonging to other individuals,” and that “[i]t wasn’t like you were just out there and made one single mistake. You were doing other stuff that probably wasn’t legal that night as well.” The court stated that it considered R.C. 2929.11 and 2929.12, Mail’s low ORAS score, and “all other matters

in this case pertinent to sentencing.” The judgment entry of conviction reflects that the court considered R.C. 2929.11 and R.C. 2929.12, and the court was free to consider the items in Mail’s vehicle. Significantly, due to the plea agreement, multiple pending charges were dismissed. Finally, Mail’s sentence is within the statutory range for a third-degree felony, and the court was permitted to consider other evidence, thereby concluding our analysis. R.C. 2929.14(A)(3)(b). Since Mail’s sentence is not contrary to law, his two assigned errors are overruled.

Conclusion

{¶ 12} The judgment of the Clark County Common Pleas Court is affirmed.

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LEWIS, P.J., and TUCKER, J., concur.