[Cite as *State v. Jones*, 2026-Ohio-4309.]

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

STATE OF OHIO	:	
	:	C.A. No. 30767
Appellee	:	
	:	Trial Court Case No. 2025 CR 01346
v.	:	
	:	(Criminal Appeal from Common Pleas
FLARON S. JONES	:	Court)
	:	
Appellant	:	**FINAL JUDGMENT ENTRY & OPINION**

. . . . . .

Pursuant to the opinion of this court rendered on October 30, 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
MONTGOMERY C.A. No. 30767

JOHNNA M. SHIA, Attorney for Appellant
MICHAEL P. ALLEN, Attorney for Appellee

TUCKER, J.

{¶ 1} Flaron S. Jones appeals from his conviction following a guilty plea to one count of escape in violation of R.C. 2921.34(A)(1).

{¶ 2} Jones challenges the validity of his plea under Crim.R. 11. He claims he entered it based on misinformation about whether his escape sentence would be served concurrently with his sentences in several probation revocation cases. He also contends the record does not support the trial court's decision to order his escape sentence to be served consecutively to two of the probation revocation sentences. Finally, he argues that the trial court erred in imposing court costs without considering his ability to pay.

{¶ 3} We conclude that Jones entered a valid guilty plea, that the record does not clearly and convincingly fail to support the trial court's sentencing decision, and that the trial court did not err in imposing court costs. Accordingly, we affirm the trial court's judgment.

I. Background

{¶ 4} A grand jury indicted Jones on one count of escape, a second-degree felony. He pleaded guilty as charged, and the State agreed not to oppose making his sentence concurrent to sentences to be imposed in four of six separate probation revocation cases. The other two probation revocation cases involved felonious assault convictions, and the State's agreement did not include them. During a January 6, 2026, plea hearing, the trial court discussed the plea with Jones as follows:

THE COURT: Do you—is that your understanding that you're going to enter a plea of guilty to the escape?

THE DEFENDANT: Yes.

THE COURT: And then the Court is going to come back for sentencing. And your attorney is going to argue for [a] certain sentence. The State's going to argue for additional sentence—or a different sentence, but the State is agreeing that they are not opposed to running the probation revocations in the case number 2024-CR-292, 2024-CR-493, 2024-CR-1513, and 2024—or 2025-CR-515 concurrent to any other sentences imposed. Do you understand that?

THE DEFENDANT: No. I'm sorry.

THE COURT: Okay. So concurrent means that they run together. Consecutive means they run back to back. So you can serve them at the same time. Do you understand that?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. All right.

THE DEFENDANT: So they're all running concurrent?

THE COURT: That's what the State is not objecting to, have those run concurrently to any terms imposed in this case, the 13—2025 1336 case, the escape case, as well as you've got two felonious assaults. Okay. So they would run concurrent to each other and concurrent to those felonious assaults. Do you understand that?

THE DEFENDANT: Yes, ma'am.

{¶ 5} After completing its advisements, the trial court accepted Jones' guilty plea and made a finding of guilt. He subsequently appeared before the trial court for sentencing on January 30, 2026. At the outset of the sentencing hearing, the trial court noted its failure during the plea hearing to make a finding that Jones was competent to stand trial, as his competence had been an issue earlier in the case. Defense counsel responded that he believed Jones' prior plea was valid despite the omission. Nevertheless, the trial court elected to re-do the Crim.R. 11 plea colloquy prior to sentencing. As part of that process, it reiterated the plea agreement as follows:

> THE COURT: All right. Okay. So just for the record, again, the plea agreement is that Mr. Jones is going to enter a plea to the escape, F-2, and the State would not object to running the non-violent offenses concurrent because entering a plea to this charge is also an admission to the probation revocations. When the Court imposes—and the sentence in this case is mandatory. When the Court imposes sentence, the State is not objecting to running the non-violent offenses concurrent to the other sentences that are imposed. Is that correct?

{¶ 6} The prosecutor and defense counsel agreed. After completing its Crim.R. 11 colloquy, the trial court again accepted Jones' plea and made a finding of guilt. It then imposed a prison term of eight to twelve years for escape. It ordered the prison term for escape to be served consecutively to prison terms it proceeded to impose in two probation revocation cases involving felonious assault. It then imposed consecutive prison terms of six years and eight years in the two felonious assault cases. It made those six-year and eight-year sentences consecutive with each other and consecutive to the prison term in the escape case. Finally, the trial court imposed wholly concurrent prison terms of between 12

and 24 months upon revoking probation in four other cases. The result was an aggregate prison term of 22 to 26 years. The trial court additionally imposed a term of post-release control. Finally, it stated that it had considered Jones' present and future ability to pay financial sanctions and ordered him to pay court costs. It imposed no fine. Jones timely appealed, advancing three assignments of error.

II. Analysis

{¶ 7} The first assignment of error states:

Jones' plea was not voluntary, knowing nor intelligent.

{¶ 8} Jones contends his guilty plea was invalid because the trial court failed to ensure that he understood "the effect of his guilty plea." Specifically, he claims the trial court provided an inaccurate and confusing explanation of the State's agreement not to oppose concurrent sentences in four of the six probation revocation cases. Jones maintains that the trial court's explanation made him believe all sentences would be concurrent. He alleges prejudice because his escape sentence was made consecutive to the sentences imposed upon revocation of probation in two felonious assault cases, which also were made consecutive to each other.

{¶ 9} Under Crim.R. 11(C)(2)(b), a trial court must inform a defendant of the effect of his guilty plea. The effect of a guilty plea is defined in Crim.R. 11(B)(1) as "a complete admission of the defendant's guilt." The trial court advised Jones of that fact before accepting his plea. Even if an inaccuracy or a misunderstanding about the State's concession regarding concurrent sentences could violate some other portion of Crim.R. 11(C), we see no inaccuracy or confusion and no violation of the rule here.

{¶ 10} In the quoted portion of the plea transcript, the trial court correctly told Jones the State had agreed not to oppose concurrent sentencing in four of six enumerated

probation revocation cases that did not involve felonious assault. When Jones indicated a lack of understanding, the trial court explained concurrent and consecutive sentences. Jones then asked, "So they're all running concurrent?" Given that the trial court had just referenced four specific revocation cases, we reasonably may infer that he was referring to those four and not to all six revocation cases. The trial court correctly responded: "That's what the State is not objecting to, have those run concurrently to any terms imposed in this case . . . , the escape case, as well as you've got two felonious assaults. Okay. So they would run concurrent to each other and concurrent to those felonious assaults. Do you understand that?"

{¶ 11} The foregoing statement by the trial court made clear that the State was not objecting to the sentences in "those" cases (i.e., the four revocation cases not involving felonious assault) being concurrent to the sentence in the escape case. The trial court took care to distinguish the revocation cases involving felonious assault. It explained that "they" (i.e., the sentences in the four non-felonious assault revocation cases) would run concurrent with each other and concurrent with the sentences imposed in the felonious assault cases. Finally, when the trial court addressed the plea a second time before sentencing, it reiterated that "the plea agreement is that Mr. Jones is going to enter a plea to the escape, F-2, and the State would not object to running the non-violent offenses concurrent . . . ." The non-violent offenses, of course, were the four revocation cases not involving felonious assault.

{¶ 12} Having reviewed the entire plea colloquy, we see no inaccuracy or confusion regarding the extent of the State's agreement not to oppose concurrent sentences. We note too that the trial court sentenced Jones in accordance with the plea agreement. Accordingly, the first assignment of error is overruled.

{¶ 13} The second assignment of error states:

The imposition of consecutive sentences was not supported by the record.

{¶ 14} Jones contends the record does not support ordering his escape sentence to be served consecutively to the sentences imposed in the two felonious assault cases. He argues that consecutive sentences were unwarranted for three reasons: (1) the trial court did not tell him about consecutive sentences during the plea hearing, (2) violating probation and committing escape were the same thing, and (3) "a blanket, cold, criminal history without the facts and circumstances of each offense seems unfair to claim that one is a danger to the public." Regarding the third argument, Jones reasons that "[w]ithout any information underlying these offenses, the record failed to support the trial court's consecutive findings."

{¶ 15} Jones' assignment of error lacks merit for several reasons. As a threshold matter, his escape sentence was required by statute to be imposed consecutively. He pleaded guilty to escape in violation of R.C. 2921.34(A)(1), which prohibits a person under "detention" from purposely breaking that detention or failing to return to detention following temporary leave granted for a specific purpose. Jones' violation involved walking away from a food bank while working there as an inmate of the MonDay residential facility. Under R.C. 2929.14(C)(2), if an offender who is an inmate of a residential detention facility commits escape in violation of R.C. 2921.34(A)(1), any prison term imposed for the escape must be served consecutively to any other prison term. Because a consecutive sentence for escape was mandatory, the trial court was not even required to make findings supporting it. *State v. Parker*, 2019-Ohio-2466, ¶ 8 (2d Dist.) (finding a consecutive sentence mandatory where the defendant left his work assignment at a food pantry while under a term of local incarceration and failed to return to the detention facility).

{¶ 16} As for Jones' specific arguments, we quickly can dispose of the first two. His claim about the trial court not mentioning consecutive sentences during his plea hearing relies on his first assignment of error, which we have overruled. As for his second argument, the escape and probation violations did involve the same act insofar as he violated probation by escaping. But he was not sentenced on probation violations. They merely triggered revocation, enabling the trial court to sentence him on the underlying felonious assaults. Escape and felonious assault are not the same thing.

{¶ 17} Finally, Jones contends his criminal history in his presentence investigation report ("PSI") fails to justify consecutive sentences based on his being a danger to the public. He claims the "cold" criminal history is inadequate as it lacks details underlying his prior offenses.

{¶ 18} Under R.C. 2929.14(C)(4), a trial court may impose consecutive sentences if it finds that (1) consecutive sentencing is necessary to protect the public from future crime or to punish the offender, (2) consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and (3) at least one of the following applies:

> (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 section 2929.16, 2929.17, or 2929.18 of the Revised Code, 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.

{¶ 19} "[W]here a trial court properly makes the findings mandated by R.C. 2929.14(C)(4), an appellate court may not reverse the trial court's imposition of consecutive sentences unless it first clearly and convincingly finds that the record does not support the trial court's findings." *State v. Withrow*, 2016-Ohio-2884, ¶ 38 (2d Dist.). Under R.C. 2953.08(F), the "record" includes, among other things, any PSI report or other report submitted to the trial court, the trial record in the case, and any oral or written statements made by or submitted to the trial court at the sentencing hearing. The clear-and-convincing standard requires "a firm belief or conviction as to the allegations sought to be established." *Cross v. Ledford*, 161 Ohio St. 469, 477 (1954).

{¶ 20} Jones does not dispute that the trial court made the requisite findings for consecutive sentences and included them in its judgment entry. In addition to making the first two required findings, it found R.C. 2929.14(C)(4)(c) applicable based on his history of criminal conduct. Jones argues, however, that his PSI report does not support finding that he is a danger to the public.

{¶ 21} As noted above, the trial court was not required to make any findings under R.C. 2929.14(C)(4) because Jones' consecutive sentence for escape was mandatory. In any event, contrary to his argument, the record does not clearly and convincingly fail to support the trial court's findings. The PSI report reflects that Jones was 30 years old at sentencing. He escaped from supervision under the MonDay program while performing his first day of community service for a felonious assault conviction. In addition to having a

juvenile record and an extensive record of misdemeanor convictions as an adult, the PSI report reflects that Jones has numerous convictions in prior felony cases involving improper handling of a firearm, trespass in a habitation, assault on a correctional staff member, aggravated drug possession, receiving stolen property, grand theft of a motor vehicle, and felonious assault. The PSI report contains a factual summary for some of these offenses, which involved trespassing in a residence with a firearm, injuring a MonDay staff member, possessing a stolen vehicle and fighting the owner, and stealing another vehicle. Jones' history includes serving prior prison terms, absconding while on ILC supervision, and having community control revoked. His current escape offense involved walking away from a food bank on his first day of community service. Upon his arrest, he tested positive for methamphetamines and amphetamines.

{¶ 22} Based on our review of the record, we do not find that it clearly and convincingly fails to support the trial court's imposition of partially consecutive sentences. The second assignment of error is overruled.

{¶ 23} The third assignment of error states:

The trial court erred when it failed to properly consider Jones' present and future ability to pay financial sanctions.

{¶ 24} Jones challenges the trial court's order to pay court costs. He contends that aspect of his sentence is contrary to R.C. 2929.19(B) because the trial court failed to consider his ability to pay. Although it stated at sentencing that it had considered Jones' ability to pay, he claims a finding of ability to pay is contrary to the record.

{¶ 25} Jones' argument lacks merit. "Court costs are governed by R.C. 2947.23; they are not financial sanctions." (Citation omitted.) *State v. Veal*, 2013-Ohio-1577, ¶ 4 (2d Dist.). "Consequently, R.C. 2929.19 is inapplicable to court costs, and the trial court need not

consider a defendant's ability to pay under R.C. 2929.19 prior to imposing such costs." *Id*.; *see also State v. Taylor*, 2020-Ohio-3514, ¶ 11 (recognizing that ability to pay is not "a condition for imposing costs"). Thus, regardless of whether Jones had the ability to pay court costs, the trial court was not even obligated to consider the issue. The third assignment of error is overruled.

III. Conclusion

{¶ 26} The judgment of the Montgomery County Common Pleas Court is affirmed.

. . . . . .

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