[Cite as *State v. Karg*, 2026-Ohio-4502.]

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

STATE OF OHIO	:	
	:	C.A. No. 2026-CA-4
Appellee	:	
	:	Trial Court Case No. 2025 CR 085
v.	:	
	:	(Criminal Appeal from Common Pleas
ERIC MATTHEW KARG	:	Court)
	:	
Appellant	:	**FINAL JUDGMENT ENTRY & OPINION**

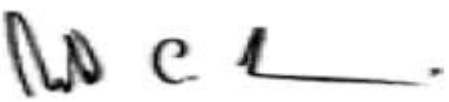
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Pursuant to the opinion of this court rendered on November 13, 2026, the judgment of the trial court is affirmed.

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,



RONALD C. LEWIS, PRESIDING JUDGE

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

OPINION
CHAMPAIGN C.A. No. 2026-CA-4

ROBERT L. SCOTT, Attorney for Appellant
JANE A. NAPIER, Attorney for Appellee

LEWIS, P.J.

{¶ 1} Defendant-appellant Eric Matthew Karg appeals from a judgment of the Champaign County Common Pleas Court that imposed a prison term following his guilty plea to one count of burglary, a second-degree felony. For the following reasons, we affirm the judgment of the trial court.

I. Facts and Course of Proceedings

{¶ 2} On August 11, 2025, Karg was charged by way of a complaint in the Champaign County Municipal Court with one count of burglary, a second-degree felony. The charge related to Karg's actions on August 10, 2025, when he allegedly broke into his ex-girlfriend B.K.'s apartment while intoxicated and attacked her boyfriend, K.B. Karg was held on a $5,000 bond pending a preliminary hearing but posted bond the following day. He waived his right to the preliminary hearing and was bound over to the Champaign County Common Pleas Court.

{¶ 3} On September 3, 2025, Karg was indicted by a Champaign County grand jury on one count of aggravated burglary, a first-degree felony in violation of R.C. 2911.11(A)(1); one count of burglary, a second-degree felony in violation of R.C. 2911.12(A)(2); and one count of menacing, a fourth-degree misdemeanor in violation of R.C. 2903.22(A)(1). These charges were based on the same facts and circumstances as the municipal court complaint.

{¶ 4} On September 25, 2025, Karg was arraigned on the indictment and entered a not guilty plea. The trial court continued Karg's municipal court bond but ordered him to have

no contact with B.K., K.B., or B.K.'s residence. Karg was also ordered to abide by the standard conditions of pretrial bond, which included abstaining from the use of illegal controlled substances and submitting to urine screens.

{¶ 5} On October 7, 2025, a scheduling conference was held. The record does not include a transcript of the scheduling conference, but the court filed a journal entry memorializing what occurred. According to the journal entry, the trial court reviewed Karg's compliance with his bond conditions and noted that Karg had tested positive for alcohol, THC (marijuana), and cocaine on his arraignment date. The court warned Karg that future positive tests could have negative ramifications on his case. The court continued Karg's bond but added the condition that Karg attend all scheduled counseling sessions at TCN Behavioral Health.

{¶ 6} On November 26, 2025, a final pretrial conference was held during which the trial court again reviewed Karg's compliance with his conditions of bond. The court identified several occasions between October 21 and November 17, 2025, wherein Karg tested positive for alcohol and/or illegal substances. The court further identified three dates when Karg failed to appear for counseling at TCN Behavioral Health. Karg admitted to all of the violations of his bond conditions. The trial court found that Karg had violated his conditions of bond and advised that his violations would be considered a sentencing factor in the event Karg were to be convicted on any of the offenses. The court further added, as a condition of bond, that Karg, who was at Christopher House, an in-patient rehabilitation facility, was to remain at Christopher House. Karg was told that if he were to leave Christopher House, whether voluntarily or involuntarily, his bond would be suspended and he would be ordered to report to jail, at which time his bond would be reviewed by the court. The pretrial conference was then continued to December 8, 2025, per defense counsel's request.

{¶ 7} On December 8, 2025, Karg withdrew his not guilty plea and entered a plea of guilty to one count of burglary, a second-degree felony in violation of R.C. 2911.12(A)(2). In exchange for his guilty plea, the State agreed to dismiss the remaining counts. There was no agreement on sentencing. During the plea colloquy, Karg was advised of the maximum possible penalties and the presumption for prison. The trial court accepted Karg's guilty plea, found him guilty, and dismissed the remaining charges. The court ordered a pre-sentence investigation report ("PSI") and scheduled sentencing for January 21, 2026. The sentencing date was selected at the request of defense counsel so that Karg could complete his term at Christopher House.

{¶ 8} On January 21, 2026, the court held a sentencing hearing. At the beginning of the hearing, the court stated that Karg had left Christopher House early and was therefore considered not to have successfully completed the program. Moreover, Karg had left the program with B.K., with whom Karg had been ordered to have no contact as a condition of his bond. Additionally, pre-trial services reported that Karg had tested positive for cocaine that morning, which Karg admitted. The State recommended that Karg be sentenced to a term of imprisonment. In so recommending, the State noted that Karg had taken several positive steps, such as getting into Christopher House, acknowledging his misconduct and personal issues, and expressed a desire to move forward with his life. However, the State contrasted those positive indicators with the violent nature of the offense, the failure of Karg to successfully complete Christopher House, Karg's contact with B.K., and Karg's multiple positive drug tests.

{¶ 9} Both Karg and his counsel made statements on Karg's behalf. Karg stated he was remorseful and apologized for his actions on August 10, 2025. After Karg completed

his allocution, the trial court engaged Karg in a conversation regarding Karg's early departure from Christopher House.

{¶ 10} Prior to imposing sentence, the trial court stated that it had reviewed the PSI and the victim impact statement, statements of counsel and Karg, and had considered the purposes and principles of sentencing under R.C. 2929.11 and the seriousness and recidivism factors under R.C. 2929.12. The court stated that a prison term was presumed and found that community control sanctions would not adequately punish Karg and protect the public from future crime. The trial court further found that the applicable factors under R.C. 2929.12 indicating a lesser likelihood of recidivism did not outweigh the factors suggesting a greater likelihood of recidivism. The court determined that a community control sanction or a combination of sanctions would demean the seriousness of Karg's offense because one or more of the factors which indicated that his conduct was less serious than the conduct normally constituting the offense either was not applicable or did not outweigh the factors which indicated that his conduct was more serious than conduct normally constituting the offense. The trial court found that the presumption for prison had not been successfully rebutted and imposed an indefinite prison sentence of a minimum term of five years to a maximum term of seven and a half years.

{¶ 11} Karg filed a timely notice of appeal.

II. Karg's Sentence is Not Contrary to Law

{¶ 12} Karg's first and second assignments of error are interrelated and are considered together. These assignments of error state:

> THE TRIAL COURT IMPOSED A SENTENCE CONTRARY TO LAW BY FAILING TO PROPERLY CONSIDER R.C. 2929.11 AND R.C. 2929.12.

THE TRIAL COURT ABUSED ITS DISCRETION BY OVEREMPHASIZING BOND VIOLATIONS.

{¶ 13} When reviewing felony sentences, appellate courts must apply the standard of review set forth in R.C. 2953.08(G)(2). *State v. Marcum*, 2016-Ohio-1002, ¶ 21. Pursuant to that 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 certain specified findings; or (2) the sentence imposed is otherwise contrary to law. *Id*. at ¶ 9, citing R.C. 2953.08(G)(2). "Clear and convincing evidence is that measure or degree of proof which is more than a mere 'preponderance of the evidence,' but not to the extent of such certainty as is required 'beyond a reasonable doubt' in criminal cases, and which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established." *Cross v. Ledford*, 161 Ohio St. 469 (1954), paragraph three of the syllabus. Karg does not complain that his sentence violated R.C. 2953.08(G)(2)(a); only that his sentence is contrary to law. Therefore, we limit our analysis to whether Karg's sentence is contrary to law.

{¶ 14} "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.). A trial court must nevertheless consider the statutory criteria that apply to every felony offense, including those set forth in R.C. 2929.11 and 2929.12. *State v. Mathis*, 2006-Ohio-855, ¶ 38. But an appellate court may not "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. "The inquiry is simply whether the sentence is contrary to law." *State v. Bartley*, 2023-Ohio-

2325, ¶ 9 (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." *Id*., citing *State v. Dorsey*, 2021-Ohio-76, ¶ 18 (2d Dist.).

{¶ 15} Karg was convicted of burglary, a second-degree felony in violation of R.C. 2911.12(A)(2). This offense carries a presumption for prison in that "it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under [R.C. 2929.11]." R.C. 2929.13(D)(1). Nevertheless, the trial court has discretion to impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender if it makes both of the following findings:

> (a) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under [R.C. 2929.12] indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.
>
> (b) A community control sanction or a combination of community control sanctions would not demean the seriousness of the offense, because one or more factors under [R.C. 2929.12] that indicate that the offender's conduct was less serious than conduct normally constituting the offense are applicable, and they outweigh the applicable factors under that section that indicate that the offender's conduct was more serious than conduct normally constituting the offense.

R.C. 2929.13(D)(2)(a) through (b).

{¶ 16} If the defendant is sentenced to prison for a second-degree felony committed on or after March 22, 2019, R.C. 2929.14(A)(2)(a) requires the sentencing judge to impose

a “minimum term” from within the currently established sentencing range, in this case, 2 to 8 years in prison, and a “maximum term” of an additional 50 percent of the imposed minimum prison term. *See* R.C. 2929.144(B).

{¶ 17} Karg does not dispute that the trial court considered R.C. 2929.11 and R.C. 2929.12 but contends that the trial court failed to meaningfully weigh the evidence of his rehabilitation and treatment. Karg points to his participation in “approximately sixty days of structured residential treatment participation and noted positive indicators of progress,” and “his expressed remorse and acceptance of responsibility during allocution.” Appellant’s Brief, p. 5. Moreover, while Karg acknowledges that a trial court may consider conduct that occurred while the defendant was on bond for purposes of sentencing, Karg contends that the trial court here relied too heavily on his bond violations and recent relapse when sentencing him to prison.

{¶ 18} The trial court imposed a prison sentence after finding that Karg had violated several conditions of his bond by testing positive for multiple drug screens, including on the day of sentencing, failing to successfully complete Christopher House, and having contact with B.K. despite a court order prohibiting such contact. Notably, Karg admitted to having committed each of the bond violations. The trial court also considered Karg’s commission of the underlying offense, which was a felony offense of violence. The court noted that on August 10, 2025, prior to the burglary, Karg had been warned by law enforcement to stay away from B.K.’s apartment. Despite the warning, Karg returned later that day while intoxicated, broke into the apartment, and assaulted K.B., who had been sleeping. The court further noted Karg’s failure to show remorse for his assault on K.B.

{¶ 19} Karg was sentenced to an indefinite prison term of five to seven and a half years, which was within the authorized sentencing range for a second-degree felony. Prior

to imposing sentence, the trial court stated that it had considered the purposes and principles of sentencing set forth in R.C. 2929.11 and the seriousness and recidivism factors provided by R.C. 2929.12. Sentencing Tr. 22. These findings were incorporated into the trial court's judgment entry. In reviewing the presumption for prison, the court considered whether a community control sanction would have adequately punished Karg and protected the public from future crime and would not have demeaned the seriousness of Karg's offense, finding that it would not have served those purposes.

{¶ 20} Despite Karg's disagreement with the trial court's weighing of factors, "R.C. 2953.08(G)(2) does not permit an appellate court to conduct an independent review of a trial court's sentencing findings under R.C. 2929.12 or its adherence to the purposes of felony sentencing under R.C. 2929.11." *State v. Bryant*, 2022-Ohio-1878, ¶ 21. The trial court has full discretion to impose any sentence within the authorized statutory range, and it is not required to make specific findings or give its reasons for imposing an authorized, presumed prison sentence. The court complied with all sentencing requirements, the sentence was within the statutory range for a second-degree felony, and the court reviewed and considered the PSI, the statements of counsel, and Karg's statements before imposing sentence. The sentence imposed was not contrary to law. Therefore, we cannot modify or vacate Karg's sentence.

{¶ 21} Karg's first and second assignments of error are overruled.

III. The Trial Court Considered Karg's Allocution Prior to Sentencing

{¶ 22} Karg's third assignment of error states:

THE TRIAL COURT IMPROPERLY USED ALLOCUTION AS AN AGGRAVATING FACTOR.

{¶ 23} Karg argues that the trial court used information obtained during his allocution

to find that he was "not credible and not rehabilitated," which resulted in a harsher sentence. Karg contends that the trial court improperly considered Karg's allocution statements as an aggravating sentencing factor to increase his prison sentence. We do not agree.

{¶ 24} "R.C. 2929.19(A) and Crim.R. 32(A)(1) unambiguously require that an offender be given an opportunity for allocution whenever a trial court imposes a sentence at a sentencing hearing." *State v. Jackson*, 2016-Ohio-8127, ¶ 10, citing *State v. Campbell*, 2000-Ohio-183, paragraph three of the syllabus. "The purpose of allocution is to permit the defendant to speak on his own behalf or present any information in mitigation of punishment." *State v. Reynolds*, 1998-Ohio-171, ¶ 76. "A trial court complies with a defendant's right to allocution when it personally addresses the defendant and asks whether he or she has anything to say." *State v. Champeau*, 2024-Ohio-4602, ¶ 11 (2d Dist.). A trial court is required to consider a defendant's statements at the time of sentencing. R.C. 2929.19(B)(1)(a). A trial court, however, is not confined to consider only the evidence at sentencing that strictly relates to the offense for which the defendant has been convicted because the court is not concerned with the narrow issue of guilt but rather with imposing an appropriate sentence based upon the seriousness of the crime committed and the character of the defendant. *State v. Bowser*, 2010-Ohio-951, ¶ 14 (2d Dist.).

{¶ 25} Karg was personally addressed and provided with the opportunity for allocution. Karg expressed remorse for his actions on August 10, 2025, acknowledged that it was a mistake, and claimed that he would grow from it. He also stated that he wanted to "apologize to the Courts, to you, to my attorney, and to my family that I may hurt with some pain and suffering. I also want to apologize to [B.K.] for how I carried myself and everything." Sentencing Tr. 12.

{¶ 26} Following Karg's allocution, the trial court engaged Karg in a conversation

about why Karg voluntarily left Christopher House early. Karg explained that he called B.K. who picked him up and gave him a ride to his grandmother's home so that he could see his grandmother who was diagnosed with cancer. Karg admitted that he had contacted B.K. for a ride despite knowing there was a no contact order. Although Karg initially told the court that he tested positive for cocaine on the day of sentencing because he walked into a room where other people were smoking cocaine, he later stated that he tested positive because B.K. smoked cocaine in the car when she picked him up from the rehabilitation facility.

{¶ 27} After hearing from counsel for both parties and Karg's allocution, the trial judge sentenced Karg to prison. Karg argues that the trial court's consideration of his statements at sentencing provided an unlawful basis for increasing his sentence. In support of his argument, Karg cites to *State v. Hale*, 2014-Ohio-1277, ¶ 18 (2d Dist.), for the proposition that "allocution must not be used as a basis for increasing punishment." Appellant's Brief, p. 7. However, webcite 2014-Ohio-1277 is linked to the decision in *State v. Gamble*, 2014-Ohio-1277 (2d Dist.). *Gamble* did not involve allocution and does not support Karg's assignment of error.

{¶ 28} Based on our review of the record and applicable law, we cannot conclude that the trial court erred in considering Karg's statements at sentencing. As noted above, a trial court must both allow a defendant the opportunity for allocution and consider the defendant's statements in mitigation at the time of sentencing. There is no dispute that Karg was provided his right of allocution. The record reflects that the trial court considered Karg's statements prior to sentencing as set forth by R.C. 2929.19(A) as well as all applicable statutory sentencing factors. The trial court noted that Karg had not apologized to K.B., who was the victim of Karg's assault. Lack of remorse is a sentencing consideration. R.C. 2929.12(D)(5). The trial court reminded Karg that he had repeatedly violated his pretrial

probation conditions and was given an opportunity for drug treatment at Christopher House. Notwithstanding this opportunity, Karg voluntarily left the treatment program, contacted K.B. with whom he was ordered not to have contact, and tested positive for cocaine at sentencing, which demonstrated that Karg had relapsed immediately after leaving treatment. The trial court's statements reflect that it considered the record (R.C. 2929.19(B)(1)(a)), Karg's likelihood of recidivism (R.C. 2929.12(D)), and whether Karg rebutted the presumption for prison (R.C. 2929.13(D)(2)(a) and (b)). The fact that the trial court ultimately placed greater weight on the aggravating factors than the mitigating factors is an insufficient basis for us to reverse the trial court's judgment. As explained in our resolution of the first two assignments of error, we may not "independently weigh the evidence in the record and substitute [our] judgment for that of the trial court concerning the sentence that best reflects compliance with R.C. 2929.11 and R.C. 2929.12." *Jones*, 2020-Ohio-6729, at ¶ 42. Karg's third assignment of error is overruled.

IV. Conclusion

{¶ 29} Having overruled the assignments of error, the judgment of the trial court is affirmed.

. . . . . .

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