[Cite as *State v. Muenchau-Peterson*, 2026-Ohio-4606.]

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

STATE OF OHIO	:	
	:	C.A. No. 2026-CA-17
Appellee	:	
	:	Trial Court Case No. 2025 CR 0083
v.	:	
	:	(Criminal Appeal from Common Pleas
FREDERICK DANE MUENCHAU-PETERSON	:	Court)
	:	
	:	**FINAL JUDGMENT ENTRY & OPINION**
Appellant	:	

. . . . . .

Pursuant to the opinion of this court rendered on November 20, 2026, the judgment of the trial court is affirmed in part, reversed in part, and remanded for further proceedings consistent with the opinion.

Costs to be paid as follows: 75% by appellant and 25% by appellee.

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

HUFFMAN, J., and HANSEMAN, J., concur.

OPINION
GREENE C.A. No. 2026-CA-17

DAVID R. MILES, Attorney for Appellant
MEGAN HAMMOND, Attorney for Appellee

TUCKER, J.

{¶ 1} Frederick Dane Muenchau-Peterson appeals from his convictions for aggravated murder and tampering with evidence. For the reasons set forth below, we affirm in part, reverse in part, and remand this matter to the trial court for further proceedings consistent with this opinion.

I. Factual and Procedural Background

{¶ 2} On January 10, 2025, the Village of Yellow Springs Police Department was contacted by a resident who asked the police department to conduct a welfare check on her husband. The resident indicated that she was not in town but that she had observed home surveillance footage which showed her stepson, Muenchau-Peterson, fire a gun into the couple's residence. Police officers responded and found Muenchau-Peterson's father deceased in the home. The father died as a result of multiple gunshot wounds to his back. Muenchau-Peterson was arrested and admitted firing his gun into the home.

{¶ 3} Muenchau-Peterson was indicted for aggravated murder and tampering with evidence, among other charges. The aggravated murder count included a three-year firearm specification.

{¶ 4} In October 2025, Muenchau-Peterson entered a guilty plea to aggravated murder, the attendant firearm specification, and tampering with evidence. The other charges were dismissed. The trial court accepted the plea and imposed a sentence of life in prison

without the possibility of parole for the aggravated murder conviction, plus three years on the firearm specification. The court imposed a 36-month prison term for tampering with evidence. The court ordered the sentences to be served consecutively, for an aggregate sentence of life without parole plus six years.

{¶ 5} Muenchau-Peterson appeals.

II. Guilty Plea

{¶ 6} The first assignment of error states:

> THE TRIAL COURT ERRED IN ACCEPTING APPELLANT'S GUILTY PLEAS AS NOT KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY MADE

{¶ 7} Under his first assignment of error, Muenchau-Peterson argues that his guilty plea should be vacated because the trial court failed to determine that he understood the nature of the charges against him and that he understood the effect of his plea.

{¶ 8} Due process requires that a defendant's guilty plea be knowing, intelligent, and voluntary. *State v. Sarkozy*, 2008-Ohio-509, ¶ 22. To ensure that a defendant's guilty plea comports with this requirement, the trial court must engage the defendant in the colloquy required by Crim.R. 11(C). "The underlying purpose of Crim.R. 11 is to convey certain information to a defendant so that [he] can make a voluntary and intelligent decision regarding whether to plead guilty." *State v. Poage*, 2022-Ohio-467, ¶ 9 (8th Dist.), citing *State v. Ballard*, 66 Ohio St.2d 473, 479-480 (1981).

{¶ 9} Crim.R. 11(C) provides in relevant part:

> (2) In felony cases the court may refuse to accept a plea of guilty or a plea of no contest, and shall not accept a plea of guilty or no contest without first addressing the defendant in person . . . and doing all of the following:

(a) Determining that the defendant is making the plea voluntarily, with understanding of the nature of the charges and of the maximum penalty involved, and, if applicable, that the defendant is not eligible for probation or for the imposition of community control sanctions at the sentencing hearing.

(b) Informing the defendant of and determining that the defendant understands the effect of the plea of guilty or no contest, and that the court, upon acceptance of the plea, may proceed with judgment and sentence.

(c) Informing the defendant and determining that the defendant understands that by the plea the defendant is waiving the rights to jury trial, to confront witnesses against him or her, to have compulsory process for obtaining witnesses in the defendant's favor, and to require the state to prove the defendant's guilt beyond a reasonable doubt at a trial at which the defendant cannot be compelled to testify against himself or herself.

{¶ 10} As Muenchau-Peterson points out, the plea hearing did not include a recitation of the facts supporting the offenses to which he pleaded guilty. But, contrary to Muenchau-Peterson's suggestion, a trial court's determination that a defendant understands the nature of the charges to which he is pleading guilty does not require that the facts of an offense be recited at the plea hearing. *State v. Hill*, 2020-Ohio-7, ¶ 11 (2d Dist.), citing *State v. Riddle*, 2017-Ohio-1199, ¶ 39 (2d Dist.). "This is so because a guilty plea is a complete admission of the facts contained in the indictment." *Id.*, citing *Riddle* at ¶ 39. However, as noted, Crim.R. 11(C)(2)(a) requires that, before a guilty plea is accepted, the trial court must ensure that the defendant understands the nature of the charges to which he is pleading. "This requirement prompts the State, as a matter of routine, to articulate the factual basis

supporting the plea (often in the form of a verbatim recitation of the indictment)." *Id.* Though routine and a good practice, this procedure is not required. The inquiry, then, is simply whether the record supports the trial court's conclusion that the defendant understood the nature of the charges to which he pleaded guilty.

{¶ 11} At the plea hearing, Muenchau-Peterson acknowledged that he had discussed with his attorney the nature of the charges. The trial court also discussed the court's standard plea form with Muenchau-Peterson, confirming that he had reviewed the plea form with his attorney and that he understood it. Importantly, the plea form included Muenchau-Peterson's acknowledgment that, among other things, he understood the nature of the charges to which he was pleading guilty. Based on our review of the plea hearing, the trial court did not err in its determination that Muenchau-Peterson understood the nature of the charges to which he pleaded guilty.

{¶ 12} Muenchau-Peterson also argues that his guilty plea to aggravated murder was not knowing and intelligent because the trial court did not inform him that, under R.C. 2953.08(D)(3), an aggravated murder sentence is not subject to appellate review. Muenchau-Peterson asserts that "[I]t was imperative [that he understood this limitation] before making a decision to plead guilty."

{¶ 13} R.C. 2953.08 establishes the rules relating to an appeal of a felony sentence. Relevant to this appeal, R.C. 2953.08(D)(3) states:

> A sentence imposed for aggravated murder or murder pursuant to sections 2929.02 and 2929.06 of the Revised Code is not subject to review under this section.[1]

Despite this statutory language, the Ohio Supreme Court has ruled that an appellate court

[1] R.C. 2929.02 to 2929.06 set forth the penalties for murder and aggravated murder.

may review an aggravated murder sentence when the defendant asserts that the sentence violates a constitutional requirement, such as an argument that the sentence violates the Eighth Amendment's cruel and unusual punishment prohibition. *State v. Patrick*, 2020-Ohio-6803, ¶ 22. However, Muenchau-Peterson is not challenging his sentence; instead, he is asserting that his plea was less than knowing and intelligent because he was not informed of the appeal limitations imposed by R.C. 2953.08(D)(3).

{¶ 14} A trial court's compliance with Crim.R. 11(C) usually ensures that a guilty plea meets the constitutional due process requirement that a plea be knowing, intelligent, and voluntary. *State v. Lenoir*, 2025-Ohio-563, ¶ 13 (2d Dist.). Crim.R. 11(C) does not require a trial court to inform the defendant that by pleading guilty he is foregoing certain appeal rights. *State v. Jones*, 2018-Ohio-2219, ¶ 13 (2d Dist.) (Crim.R. 11(C)(2) does not require that the defendant be informed that by pleading guilty he is waiving the right to appeal any pretrial rulings.); *State v. Harner*, 2025-Ohio-698, ¶ 27 (12th Dist.) (Crim.R. 11(C)(2) does not require the trial court to inform the defendant of the R.C. 2953.08(D) appeal limitations on a jointly recommended sentence.).

{¶ 15} The "rationale for this conclusion is that '[t]he information [conveyed to defendants] that a guilty plea is a complete admission of guilt, along with the other information required by Crim.R. 11, assures that defendants enter pleas with knowledge of the rights they forego and creates a record by which appellate courts can determine whether pleas are entered [knowingly, intelligently, and] voluntarily.'" *Jones* at ¶ 13, quoting *State v. Griggs*, 2004-Ohio-4415, ¶ 11. A caveat to this conclusion is that, if the trial court says something that is incorrect or creates confusion concerning the defendant's appellate rights or if the defendant expresses such confusion, "this could, of course, undermine the Crim.R. 11(C)(2)(b) effect of plea discussion and render the plea less than voluntary, knowing, and

intelligent." *Id.* at ¶ 14.

{¶ 16} Crim.R. 11(C) does not require that a defendant be advised of the appellate rights he is waiving by pleading guilty. And when, as here, the plea hearing does not contain misinformation or create or expose confusion regarding the defendant's appellate rights, there is no legal requirement that the defendant be advised of appellate rights he is waiving to ensure that the plea is knowing, intelligent, and voluntary. We decline to create such a requirement. On this record, we conclude that the trial court's failure to inform Muenchau-Peterson of the appeal limitations imposed by R.C. 2953.08(D)(3) did not affect the knowing, intelligent, and voluntary nature of his guilty plea.

{¶ 17} The first assignment of error is overruled.

III. Cruel and Unusual Punishment

{¶ 18} Muenchau-Peterson's second assignment of error states:

> THE TRIAL COURT ERRED IN IMPOSING A SENTENCE ON APPELLANT OF LIFE WITHOUT THE POSSIBILITY OF PAREOLE [SIC] IN VIOLATION OF THE EIGHTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 9 OF THE OHIO CONSTITUTION.

{¶ 19} Muenchau-Peterson contends that the sentence imposed by the trial court is unconstitutional under the United States and Ohio Constitutions because the sentence of life imprisonment without the possibility of parole constitutes cruel and unusual punishment.

{¶ 20} Muenchau-Peterson was convicted of aggravated murder in violation of R.C. 2903.01(A), which states that "[n]o person shall purposely, and with prior calculation and design, cause the death of another. . . ." Thereafter, the trial court sentenced him in

accordance with R.C. 2929.03(A)(1)(a), which permits a sentence of life imprisonment without parole. Normally, a sentence for aggravated murder cannot be reviewed on appeal. *Patrick,* 2020-Ohio-6803; *State v. Burke*, 2016-Ohio-8185, ¶ 13 (2d Dist.). However, in the face of a challenge to the constitutionality of the sentence, we are permitted to conduct a review to determine whether a constitutional claim has merit. *Patrick* at ¶ 22.

{¶ 21} The Eighth Amendment to the United States Constitution, which applies to the states under to the Fourteenth Amendment, provides: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Section 9, Article I of the Ohio Constitution sets forth the same restrictions.

{¶ 22} "'Cases in which cruel and unusual punishments have been found are limited to those involving sanctions which under the circumstances would be considered shocking to any reasonable person,'" and "'the penalty must be so greatly disproportionate to the offense as to shock the sense of justice of the community.'" *State v. Hairston*, 2008-Ohio-2338, ¶ 14, citing *State v. Weitbrecht*, 86 Ohio St.3d 368, 373 (1999), quoting *McDougle v. Maxwell*, 1 Ohio St.2d 68, 70 (1964).

{¶ 23} The sentence imposed in this case for aggravated murder was within the range authorized by the General Assembly. R.C. 2929.03(A). "As a general rule, a sentence that falls within the terms of a valid statute cannot amount to a cruel and unusual punishment." *McDougle* at 69; *State v. McConnell*, 2004-Ohio-4263, ¶ 140 (2d Dist.).

{¶ 24} Muenchau-Peterson claims that his sentence was grossly disproportionate to the crime of aggravated murder and is shocking to a reasonable person. We disagree.

{¶ 25} A review of the record indicates that Muenchau-Peterson researched and planned his father's murder months in advance of committing the offense. The record also supports a finding that, as Muenchau-Peterson fired his gun into the home's window, his

father attempted to flee from the window, but Muenchau-Peterson adjusted his aim to follow his father's path and shot his father multiple times in the back.

{¶ 26} In sum, Muenchau-Peterson was sentenced under a valid statutory scheme, and his actions in committing the crime were egregious. Thus, we cannot conclude that the penalty was so greatly disproportionate to the offense as to shock the sense of justice of the community.

{¶ 27} The second assignment of error is overruled.

IV. Consecutive Sentencing

{¶ 28} The third assignment of error states:

> THE TRIAL COURT ERRED IN SENTENCING APPELLANT TO MAXIMUM CONSECUTIVE SENTENCES FOR AGGRAVATED MURDER AND TAMPERING WITH EVIDENCE.

{¶ 29} Muenchau-Peterson contests the trial court's decision to impose consecutive sentences.[2]

{¶ 30} In 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. Under this statute, an appellate court may increase, reduce, or otherwise modify a sentence, or it may vacate the sentence and remand for resentencing, only if it "clearly and convincingly" finds either: (1) that the record does not support certain specified findings (including those in R.C. 2929.14(C)(4), which concern the imposition of consecutive sentences); or (2) that the sentence imposed is otherwise contrary to law. R.C. 2953.08(G)(2). "Clear and convincing

[2] Muenchau-Peterson's argument focuses solely on the trial court's imposition of consecutive sentences, although his statement of the assignment of error implies that he also contests the imposition of maximum sentences.

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 fact 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.

{¶ 31} "Ohio law presumes that a defendant convicted of multiple crimes will serve his sentences concurrently." *State v. Glover*, 2024-Ohio-5195, ¶ 38, citing R.C. 2929.41(A). A trial court may impose consecutive sentences, however, when the law specifically permits it to do so, such as the exception provided by R.C. 2929.14(C)(4). *Id.* at ¶ 38, citing R.C. 2929.41(A). Under R.C. 2929.14(C)(4), in order to impose consecutive sentences, the trial court must find that: (1) "the consecutive service 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) one or more of the following apply:

> (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.

{¶ 32} To impose consecutive prison sentences, "a trial court is required to make the findings mandated by R.C. 2929.14(C)(4) at the sentencing hearing and incorporate its findings into its sentencing entry, but it has no obligation to state reasons to support its findings." *State v. Bonnell*, 2014-Ohio-3177, syllabus. Under R.C. 2953.08(G)(2), "where 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.). This is a deferential standard of review of the trial court's consecutive-sentence findings, and it prohibits an appellate court from simply substituting its judgment for that of the trial court. *State v. Gwynne*, 2023-Ohio-3851, ¶ 15.

{¶ 33} Muenchau-Peterson does not contest that the trial court made the appropriate findings under R.C. 2929.14(C)(4). Instead, he argues that the record does not support a finding that consecutive sentences were necessary to protect the public from future crime or to punish the offender, or the finding that consecutive sentences were not disproportionate to the seriousness of his conduct and to the danger he posed to the public

{¶ 34} He first argues that consecutive sentences were unnecessary in light of the fact that he was sentenced to a term of life without the possibility of parole. In other words, he claims that the trial court could not have reasonably found that the consecutive sentences were necessary to protect the public from future crime or to punish him when it was imposing a life sentence that carried no possibility of parole. Muenchau-Peterson cites no authority for this argument, and we have found no authority for it. Without any supporting authority, we decline to adopt the argument.

{¶ 35} He next claims that the aggregate sentence was disproportionate to the seriousness of his conduct and the danger he posed to the public. In support, he cites *State v. Mollet*, 2025-Ohio-2826 (3d Dist.) for the proposition that the "trial court must consider the aggregate sentence, at least with respect to the proportionality prong of the consecutive-sentencing statute." (Emphasis omitted.) *Id.* at ¶ 40, citing *State v. Glover*, 2024-Ohio-5165. The Third District later clarified *Mollet,* stating that the case cannot be construed as requiring consideration of the aggregate sentence when imposing consecutive sentences. *State v. Okonski*, 2026-Ohio-2144, ¶ 22 (3d Dist.). More importantly, the Ohio Supreme Court has recently held that that neither "[t]he number of consecutive sentences [nor] the total length of the aggregate prison term are . . . subject to appellate review." *State v. Polizzi*, 2026-Ohio-2588 ¶ 30. Thus, this argument is not well-taken.

{¶ 36} Based on our review of the record, we cannot conclude that the trial court's consecutive-sentence findings under R.C. 2929.14(C)(4) were clearly and convincingly unsupported by the record. Muenchau-Peterson's third assignment of error is overruled.

V. Violent Offender Advisements

{¶ 37} The fourth assignment of error is as follows:

> THE TRIAL COURT ERRED IN FAILING TO GIVE CERTAIN ADVISEMENTS REQUIRED BY R.C. 2903.42(A)(1)(a).

{¶ 38} Muenchau-Peterson does not contest his status as a violent offender. However, he argues that the case must be remanded because the trial court failed to give certain statutorily-required advisements under R.C. 2903.42(A)(1)(a).

{¶ 39} "Senate Bill 231, known as Sierah's Law, established a statewide violent offender database, along with the legal presumption that offenders convicted of certain

violent crimes must enroll in the database [established by R.C. 2903.42(F)(2)] for a period of 10 years following their release from prison." *State v. Williams*, 2021-Ohio-1340, ¶ 128 (2d Dist.), citing R.C. 2903.41 through R.C. 2903.43. R.C. 2903.42(A)(1)(a) governs the presumption of enrollment in the violent offender database and places certain notification obligations on the trial court before sentencing the offender. The statute provides, in pertinent part, as follows:

> (A)(1) For each person who is classified a violent offender, it is presumed that the violent offender shall be required to enroll in the violent offender database with respect to the offense that so classifies the person and shall have all violent offender database duties with respect to that offense for ten years after the offender initially enrolls in the database. The presumption is a rebuttable presumption that the violent offender may rebut as provided in division (A)(4) of this section, after filing a motion in accordance with division (A)(2)(a) or (b) of this section, whichever is applicable. Each violent offender shall be informed of the presumption established under this division, of the offender's right to file a motion to rebut the presumption, of the procedure and criteria for rebutting the presumption, and of the effect of a rebuttal and the post-rebuttal hearing procedures and possible outcome, as follows:
>
> > (a) If the person is classified a violent offender under division (A)(1) of section 2903.41 of the Revised Code, the court that is sentencing the offender for the offense that so classifies the person shall inform the offender before sentencing of the presumption, the right, and the procedure, criteria, and possible outcome.

{¶ 40} This court has previously explained that this language "requires the trial court to inform the offender 'before sentencing' of the presumption [of the offender's duty to enroll in the violent offender database], the right to file a motion to rebut the presumption, the procedure and criteria for rebutting the presumption, and the effect of a rebuttal and the post-rebuttal hearing procedures and possible outcome." (Emphasis in original.) *State v. Wright*, 2021-Ohio-4107, ¶ 33 (2d Dist.), quoting R.C. 2903.42(A)(1)(a).

{¶ 41} The trial court informed Muenchau-Peterson of the rebuttable presumption of his duty to enroll in the violent offender database. However, the court did not explain his ability to file a written motion to rebut the presumption. Furthermore, Muenchau-Peterson was not made aware of the effect of the rebuttal or the post-rebuttal hearing procedures and possible outcomes of the other required advisements. We must, therefore, conclude that the trial court erred by failing to give the notifications required under R.C. 2903.42(A)(1)(a).

{¶ 42} Because the trial court did not comply with the required advisements regarding the violent offender database registration requirements, the fourth assignment of error is sustained.

VI. Conclusion

{¶ 43} Having sustained Muenchau-Peterson's fourth assignment of error and having overruled his first, second, and third assignments of error, the judgment of the trial court is affirmed in part and reversed in part. The portion of the judgment pertaining to Muenchau-Peterson's duty to enroll in the violent offender database is reversed, and the matter is remanded for the trial court to provide him with: (1) the required notifications under R.C. 2903.42(A)(1)(a); (2) an opportunity to file a motion to rebut the presumption set forth in R.C. 2903.42(A)(1)(a); and (3) a new ruling on whether he is required to enroll in the violent

offender database. In all other respects, the judgment of the trial court is affirmed.

. . . . . .

HUFFMAN, J., and HANSEMAN, J., concur.