

**IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
HARDIN COUNTY**

STATE OF OHIO,

CASE NO. 6-26-10

PLAINTIFF-APPELLEE,

v.

RAISA ANN WEAVER,

**OPINION AND
JUDGMENT ENTRY**

DEFENDANT-APPELLANT.

**Appeal from Hardin County Common Pleas Court
Trial Court No. CRI 20252057**

Judgment Affirmed in Part, Reversed in Part and Cause Remanded

Date of Decision: August 24, 2026

APPEARANCES:

Christopher Bazeley for Appellant

Morgan S. Fish for Appellee

WILLAMOWSKI, J.

{¶1} Defendant-appellant Raisa Ann Weaver (“Weaver”) appeals the judgment of the Hardin County Court of Common Pleas, arguing that the trial court erred by revoking her community control sanction and in the process of imposing consecutive sentences. For the reasons set forth below, the judgment of the trial court is affirmed in part and reversed in part.

Facts and Procedural History

{¶2} On May 21, 2025, Weaver was indicted on one count of breaking and entering in violation of R.C. 2911.13(A), a fifth-degree felony; four counts of burglary in violation of R.C. 2911.12(A)(2), second-degree felonies; four counts of possessing criminal tools in violation of R.C. 2923.24(A), fifth-degree felonies; and four counts of misdemeanor theft in violation of R.C. 2913.02(A)(1), first-degree misdemeanors. On July 31, 2025, Weaver pled guilty to one count of breaking and entering in violation of R.C. 2911.13(A), a fifth-degree felony, and three counts of burglary in violation of R.C. 2911.12(A)(3), third-degree felonies. The trial court accepted these guilty pleas and dismissed the remaining counts in the indictment.

{¶3} At sentencing on September 10, 2025, the trial court placed Weaver on community control for five years. One of the conditions of her community control was that she successfully complete a community-based correctional facility

(“CBCF”) program. The trial court informed Weaver that, if she violated the terms of her supervision, it could impose a prison term for each of her convictions and could order these prison terms to be served consecutively. The judgment entry of sentencing was issued on September 10, 2025.

{¶4} On February 4, 2026, the State filed a motion to revoke Weaver’s supervision, alleging that she had been unsuccessfully discharged from the CBCF program in violation of the fourteenth condition of her supervision. At a revocation hearing, Weaver admitted that she violated the identified condition. The trial court then imposed a prison term for each of Weaver’s four convictions and ordered her to serve three of these prison term consecutively for an aggregate prison sentence of seventy months. The trial court issued its judgment entry of sentencing on March 5, 2026.

{¶5} Weaver filed her notice of appeal on March 12, 2026 and raises the following two assignments of error:

First Assignment of Error

The trial court abused its discretion when it terminate[d] Weaver’s community control and imposed a sentence of incarceration.

Second Assignment of Error

The trial court failed to comply with R.C. 2929.14 when it imposed consecutive sentences.

First Assignment of Error

{¶6} Weaver argues that the trial court abused its discretion by revoking her community control sanction and imposing a prison sentence.

Legal Standard

{¶7} An offender may continue on community control provided that he or she complies with the applicable terms and conditions. *State v. Eastman*, 2021-Ohio-392, ¶ 13 (2d Dist.). But if an offender violates one of these conditions, the trial court may revoke his or her community control. *State v. Herald*, 2016-Ohio-7733, ¶ 28 (3d Dist.), citing R.C. 2929.15(B)(1).

{¶8} As a matter entrusted to the discretion of the trial court, the decision to revoke an offender's community control will not be reversed on appeal in the absence of an abuse of discretion. *State v. Rutherford*, 2026-Ohio-1895, ¶ 19 (2d Dist.); *State v. Lusby*, 2026-Ohio-1985, ¶ 10 (5th Dist.); *State v. Dyer*, 2026-Ohio-2387, ¶ 11 (6th Dist.); *State v. Gunnels*, 2025-Ohio-5757, ¶ 10 (8th Dist.).

{¶9} An abuse of discretion is more than an error of judgment and is present where a decision is arbitrary, unreasonable, or unconscionable. *State v. Huffman*, 2026-Ohio-1618, ¶ 42 (3d Dist.). In applying the abuse-of-discretion standard, an appellate court may not simply substitute its judgment for that of the trial court. *State v. Thompson*, 2017-Ohio-792, ¶ 11 (3d Dist.).

{¶10} Further, where an offender is found to have violated a condition of his or her community control, the trial court may

(1) lengthen the terms of the community control sanction, subject to the five-year limit specified in R.C. 2929.15(A); and/or (2) impose a more restrictive community control sanction; or (3) impose a prison term that does not exceed the prison term specified in the notice provided to the offender at the prior sentencing hearing.

State v. Burroughs, 2026-Ohio-166, ¶ 30 (3d Dist.), citing R.C. 2929.15(B). A trial court has “wide latitude” in sentencing an offender for a community control violation. *State v. Butts*, 2022-Ohio-1322, ¶ 16 (8th Dist.).

{¶11} Finally, “the proper scope of felony sentence review by Ohio appellate courts is set forth in R.C. 2953.08(G)(2).” *State v. Brill*, 2023-Ohio-404, ¶ 7 (3d Dist.).

Under this provision, an appellate court has the authority to increase, reduce, or modify a sentence if it clearly and convincingly finds that the sentence is contrary to law. *State v. Brill*, 2023-Ohio-404, ¶ 7 (3d Dist.). ‘Clear and convincing evidence is that measure or degree of proof which will produce in the mind of the trier of facts a firm belief or conviction as to the allegations sought to be established.’ *Cross v. Ledford*, 161 Ohio St. 469, 477 (1954).

State v. Krouse, 2026-Ohio-407, ¶ 7 (3d Dist.). As a general matter,

[a] sentence imposed within the statutory range is not contrary to law as long as the trial court considered the purposes and principles of felony sentencing contained in R.C. 2929.11 and the sentencing factors contained in R.C. 2929.12.

State v. Paxson, 2024-Ohio-2680, ¶ 7 (3d Dist.) quoting *State v. Lane*, 2022-Ohio-3775, ¶ 85 (3d Dist.).

Legal Analysis

{¶12} Weaver raises two main arguments in the first assignment of error. First, she asserts the trial court erred by revoking her community control. In this case, a condition of Weaver's community control required her to complete a CBCF program. However, she was unsuccessfully terminated from the CBCF program because she repeatedly failed to comply with the rules at the facility and with the staff members. At a hearing on March 4, 2026, Weaver admitted that her conduct constituted a violation of the conditions of her community control.

{¶13} On appeal, Weaver suggests that she was unsuccessfully discharged from the CBCF program as the result of a "sudden, unexplained failure" and argues that the trial court should not have revoked her community control in response to this one violation. (Appellant's Brief, 2). However, the State filed a copy of the discharge paperwork from the CBCF. This document records numerous corrective actions that were undertaken to address Weaver's behavior over several months. While this paperwork indicates that she performed well in several areas of this program, it also establishes that a persistent pattern of noncompliance preceded her unsuccessful discharge from the CBCF.

{¶14} At the revocation hearing, the parties also discussed the history of this case, noting that Weaver had originally been charged with thirteen offenses that included four second-degree felonies. The trial court stated that she was given a

chance to seek rehabilitation on community control in spite of the fact that she was on probation at the time she committed the criminal offenses in 2025. In considering her amenability to continuing on community control, the trial court noted that Weaver chose “not to comply with the programming” while on community control. (Mar. Tr. 21). Having examined the record, we find no indication that the trial court abused its discretion in deciding to revoke her community control. Thus, the first argument in this assignment of error is without merit.

{¶15} Second, Weaver argues that the trial court erred by ordering her to serve a prison sentence rather than continuing her on community control. However, Weaver does not frame an argument on appeal that purports to establish that the decision to impose prison sentences was contrary to law. She does not assert that, at the original sentencing hearing, the trial court failed to inform her of the possible prison sentences that could be imposed for a community control violation or that the prison terms fall outside the statutorily authorized ranges.

{¶16} In the absence of a specific argument, we conclude this analysis by noting that the trial judge expressly stated that he considered the purposes and principles of felony sentencing in R.C. 2929.11 and conducted an analysis that examined a number of the seriousness and recidivism factors that are listed in R.C. 2929.12. *See State v. Mallow*, 2026-Ohio-2204, ¶ 24 (2d Dist.); *Lusby*, 2026-Ohio-1985, at ¶ 17-19 (5th Dist.). Weaver has not demonstrated that the decision to

impose a prison term was contrary to law. Thus, the second argument in this assignment of error is also without merit.

{¶17} In summary, we find no indication that the trial court abused its discretion in deciding to revoke her community control after she admitted to violating a condition of her supervision. *See Butts*, 2022-Ohio-1322, at ¶ 14 (8th Dist.); *State v. Sullivan*, 2025-Ohio-4987, ¶ 17-18 (12th Dist.). Further, Weaver has failed to raise an argument that demonstrates the trial court’s decision to impose prison sentences in this case was contrary to law. *See State v. Crabtree*, 2026-Ohio-2575, ¶ 18 (4th Dist.). Accordingly, the first assignment of error is overruled.

Second Assignment of Error

{¶18} Weaver argues that the trial court failed to make the findings required by R.C. 2929.14(C)(4) prior to imposing her prison terms consecutively.

Legal Standard

{¶19} If an offender is found to have violated a condition of his or her community control, the trial “court sentences the offender anew and must comply with the relevant sentencing statutes.” *State v. Fraley*, 2004-Ohio-7110, ¶ 17. R.C. 2929.14(C)(4) is a sentencing statute that permits trial courts to order prison terms for multiple convictions to be served consecutively provided that the trial court finds (1) that consecutive sentences are “necessary to protect the public from future crime or to punish the offender” (the “necessity finding”); (2) that consecutive sentences “are not disproportionate to the seriousness of the offender’s conduct and to the

danger the offender poses to the public” (the “proportionality finding”); and (3) that one of the three factors listed in R.C. 2929.14(C)(4)(a-c) is applicable. *See State v. Dendinger*, 2023-Ohio-4255, ¶ 18 (3d Dist.).

{¶20} The R.C. 2929.14(C)(4) findings are to be made at the sentencing hearing where the prison terms are imposed consecutively. *State v. Howard*, 2020-Ohio-3195, ¶ 26-27. “[A] talismanic incantation of the words of the statute’ is not necessary so long as the findings can be found ‘n the record and are incorporated into the sentencing entry.’” *State v. Cline*, 2024-Ohio-1337, ¶ 21 (3d Dist.), quoting *State v. Bonnell*, 2014-Ohio-3177, ¶ 37. The failure to make these required findings renders a sentence contrary to law. *State v. Floyd*, 2021-Ohio-1935, ¶ 11 (3d Dist.).

{¶21} Pursuant to R.C. 2953.08(G)(2)(b), an appellate court may increase, reduce, or otherwise modify a felony sentence that is clearly and convincingly contrary to law. *State v. Morgan*, 2024-Ohio-625, ¶ 6 (3d Dist.). “Clear and convincing evidence is that measure or degree of proof . . . which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established.” *State v. Taflinger*, 2018-Ohio-456, ¶ 12 (3d Dist.), quoting *Ledford*, 161 Ohio St. 469, at paragraph three of the syllabus.

Legal Analysis

{¶22} After Weaver’s community control violation, the trial court ordered Weaver to serve three prison terms consecutively. While the trial court expressly made the necessity finding and the R.C. 2929.14(C)(4)(a)-(c) finding in this process,

it did not recite the proportionality finding. On appeal, the State asserts that the trial court was not required to make the R.C. 2929.14(C)(4) findings in this case because the parties presented the trial court with a jointly recommended sentence with the original plea agreement.

{¶23} R.C. 2953.08(D) states that “[a] sentence imposed upon a defendant is not subject to review under this section if the sentence is authorized by law, has been recommended jointly by the defendant and the prosecution in the case, and is imposed by a sentencing judge.” The rationale behind this provision is that, “[o]nce a defendant stipulates that a particular sentence is justified, the sentencing judge no longer needs to independently justify the sentence.” *State v. Porterfield*, 2005-Ohio-3095, ¶ 25. As a result, a trial court does not need to make the R.C. 2929.14(C)(4) findings if the imposition of consecutive sentences is discretionary and ordered pursuant to a joint recommendation of the parties. *State v. Selhorst*, 2025-Ohio-2392, ¶ 11-12 (3d Dist.), citing *Porterfield* at ¶ 25.

{¶24} At the original sentencing hearing, the trial court informed the parties that “the joint sentencing recommendation . . . need[ed] some tweaking” and then issued a judgment entry that stated the joint recommendation of the parties had been “modified.” (Sept. Tr. 13; Doc. 27). The trial court also stated at sentencing and in its judgment entry that, if Weaver was ordered to serve multiple prison sentences for a community control violation, the prison terms “*could be*” imposed consecutively. (Emphasis added.) (Sept. Tr. 15; Doc. 37).

{¶25} At the revocation hearing, the trial court told Weaver that, if she admitted to a violation and multiple prison terms were imposed, these sentences “could be run” consecutively. (Mar. Tr. 5). While the State recommended an aggregate prison sentence of sixty-four months, Weaver asked to be continued on community control. *Id.* at 11, 15, 19. The trial court ultimately decided to impose an aggregate prison sentence of seventy months. *Id.* at 23. The record does not establish that the trial court ordered consecutive service of the prison terms as part of imposing a jointly recommended sentence. Thus, the State’s argument is without merit.

{¶26} Turning to the record before us, the trial court did not “use the language of proportionality” at the revocation hearing. *State v. Matthews*, 2024-Ohio-1863, ¶ 28 (1st Dist.). Further, the trial court also did not engage in an analysis that establishes it “weighed the imposition of consecutive sentences against the seriousness” of the community control violation and the danger that Weaver posed to the public. *Id.* at ¶ 29. Having examined the record, we conclude that the trial court failed to comply with the requirements of R.C. 2929.14(C)(4). Thus, we reverse the imposition of consecutive sentences and remand this case to the trial court for a new sentencing hearing. *See State v. Allen*, 2026-Ohio-884, ¶ 46 (3d Dist.). Accordingly, the second assignment of error is sustained.

Conclusion

{¶27} Having found no error prejudicial to the appellant in the particulars assigned and argued in the first assignment of error, the judgment of the Hardin County Court of Common Pleas is affirmed as to these issues.

{¶28} Having found error prejudicial to the appellant in the particulars assigned and argued in the second assignment of error, the judgment of the Hardin County Court of Common Pleas is reversed as to these issues.

{¶29} Accordingly, this cause of action is remanded to the trial court for further proceedings that are consistent with this opinion.

***Judgment Affirmed in Part
Reversed in Part
And Cause Remanded***

ZIMMERMAN, P.J. and WALDICK, J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, it is the judgment and order of this Court that the judgment of the trial court is affirmed in part and reversed in part with costs assessed equally between Appellant and Appellee for which judgment is hereby rendered. The cause is hereby remanded to the trial court for further proceedings and for execution of the judgment for costs.

It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket. *See* App.R. 30.

John R. Willamowski, Judge

William R. Zimmerman, Judge

Juergen A. Waldick, Judge

DATED:
/hls