

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

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**STATE OF OHIO,**

**CASE NO. 16-26-04**

**PLAINTIFF-APPELLEE,**

**v.**

**JAMES RYAN WOOD,**

**OPINION AND  
JUDGMENT ENTRY**

**DEFENDANT-APPELLANT.**

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**Appeal from Wyandot County Common Pleas Court  
Trial Court No. 25-CR-0015**

**Judgment Affirmed**

**Date of Decision: September 28, 2026**

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**APPEARANCES:**

***Sagan S. Kahler* for Appellant**

***Eric J. Figlewicz* for Appellee**

**MILLER, J.**

{¶1} Defendant-appellant, James R. Wood (“Wood”), appeals the judgment of sentence entered against him in the Wyandot County Court of Common Pleas on February 23, 2026. For the reasons set forth below, we affirm.

*Facts and Procedural History*

{¶2} This case originated on February 12, 2025, when a Wyandot County grand jury indicted Wood on one count of complicity to theft in violation of R.C. 2923.03(A)(2) and R.C. 2913.02(A)(1), a felony of the fifth degree (“Count One”); and two counts of burglary in violation of R.C. 2911.12(A)(1), both felonies of the second degree (“Count Two” and “Count Three,” respectively). On September 24, 2025, Wood pleaded not guilty. Later, on December 16, 2025, a change of plea hearing was conducted during which Wood, pursuant to a plea agreement, pleaded guilty to Count One as charged in the indictment and to Count Two, amended to a felony of the third degree. Count Three was dismissed by the State.

{¶3} At the sentencing hearing on February 23, 2026, Wood was sentenced to concurrent prison terms of 11 months as to Count One and 30 months as to Count Two.<sup>1</sup> The trial court ordered this sentence to be served consecutively to a prison sentence Wood was serving out of Auglaize County. In issuing this sentence, the trial court referenced Wood’s presentence investigation report (PSI), stating “[a]fter reviewing the [PSI], the Defendant appears to be a career criminal. He has 20 prior theft convictions alone, as well as many multiple . . . criminal trespass

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<sup>1</sup> The record reflects Wood was already incarcerated with the Ohio Department of Rehabilitation and Correction and the parties understood a prison term would be imposed on the instant offenses. The plea form signed by Wood and his counsel indicates the State would recommend a prison sentence of 11 months on Count One and a concurrent 30 month term for the amended Count Two. The parties did not have an agreement whether this term would be concurrent or consecutive to the prison sentence Wood was already serving.

convictions, trafficking in heroin, and the Defendant has served prior prison sentences.” (February 23, 2025 Tr. at 10). The trial court further cited Wood’s criminal history to demonstrate that consecutive sentences were necessary.

{¶4} Wood timely appealed. He raises the following assignment of error:

**Assignment of Error**

**The Trial Court erred as a matter of law when it sentenced the Defendant based on prior convictions that were not in fact committed by the Defendant.**

{¶5} In his assignment of error, Wood argues the trial court erred by sentencing him based on prior convictions found in his PSI when it was later learned that three of the convictions found in his PSI were wrongly attributed to him. In its brief on appeal, the State concedes the error in the PSI but, contends the sentence is nevertheless still lawful and appropriate based on other factors and Wood’s extensive criminal history. We find the State’s argument persuasive.

{¶6} “R.C. 2951.03 allows the trial court to review or disregard an alleged factual inaccuracy in a presentence investigation report *if the defendant alleges at sentencing that the report is inaccurate.*” (Emphasis in original.) *State v. Sexton*, 2015-Ohio-934, ¶ 85 (3d Dist.). Specifically, R.C. 2951.03(B)(5) states:

If the comments of the defendant or the defendant’s counsel, the testimony they introduce, or any of the other information they introduce alleges any factual inaccuracy in the presentence investigation report or the summary of the report, the court shall do either of the following with respect to each alleged factual inaccuracy:

(a) Make a finding as to the allegation;

(b) Make a determination that no finding is necessary with respect to the allegation, because the factual matter will not be taken into account in the sentencing of the defendant.

{¶7} Thus, R.C. 2951.03(B)(5) places the burden on the defendant, and not the trial court, to identify inaccuracies in a PSI at sentencing, and only after such an objection is raised to the PSI shall the trial court make a finding as to the allegation. *See State v. Bunch*, 2024-Ohio-5040, ¶ 17 (7th Dist.) (“R.C. 2951.03(B)(5) sets forth a defendant’s duty to object to any inaccuracy alleged in the PSI. . . .”). In the present case, neither Wood nor his trial counsel objected when the trial court addressed Wood’s extensive criminal history and referenced one of the erroneously listed offenses.

{¶8} Ordinarily, an appellate court may reverse a sentence “only if it determines by clear and convincing evidence that the record does not support the trial court’s findings under relevant statutes or that the sentence is otherwise contrary to law.” *State v. Marcum*, 2016-Ohio-1002, ¶ 1. Clear and convincing evidence is that ““which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established.”” *Id.* at ¶ 22, quoting *Cross v. Ledford*, 161 Ohio 469 (1954), paragraph three of the syllabus.

{¶9} A defendant is generally not required to object to the trial court’s sentence in order to preserve any error for review. *State v. Fonseca-Mora*, 2026-Ohio-2385, ¶ 8-10 (6th Dist.). There is “no basis on which to require defendants to use certain language to preserve their challenge to the imposition of a felony sentence when they have already raised the issue, made their argument, and had it resolved by the trial court.” *Id.* at ¶10. However, unlike a general objection to a sentence, R.C. 2951.03(B)(5) places a specific

duty on the defendant to identify and object to any inaccuracies in the PSI. Wood failed to satisfy that duty before the trial court, raising the issue for the first time on appellate review. Other courts, post-*Marcum*, have held that failure to object to an inaccurate PSI requires the appellate court's finding of plain error in order to reverse. *See State v. Stevens*, 2017-Ohio-2970, ¶ 28 (5th Dist.) ("An objection was not made to the inaccurate report and the trial court's handling of the issue. An error not raised in the trial court must be plain error for an appellate court to reverse."); *see also State v. Ballard*, 2023-Ohio-3391, ¶ 3-4 (2d Dist.) (applying plain error review when the defendant failed to object to the admission of a co-defendant's PSI).

{¶10} "It is a well-established rule that 'an appellate court will not consider any error which counsel for a party complaining of the trial court's judgment could have called but did not call to the trial court's attention at a time when such error could have been avoided or corrected by the trial court.'" *State v. Quarterman*, 2014-Ohio-4034, ¶ 15, quoting *State v. Awan*, 22 Ohio St.3d 120, 122 (1986), quoting *State v. Childs*, 14 Ohio St.2d 56 (1968), paragraph three of the syllabus. Notably, R.C. 2951.03(B)(5) provides the statutory mechanism for a trial court to make a finding regarding an erroneous PSI and does so by placing the burden on the defendant to raise an objection at sentencing. "[W]hen the accused fails to object to the error in the trial court, appellate courts apply the plain-error standard of review." *State v. West*, 2022-Ohio-1556, ¶ 2. Under the Ohio Rules of Criminal Procedure, "[p]lain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court." Crim.R. 52(B). "Notice of

plain error under Crim.R 52(B) is to be taken with the utmost caution, under exceptional circumstances and only to prevent a manifest miscarriage of justice.” *State v. Long*, 53 Ohio St.2d 91, at paragraph three of the syllabus.

{¶11} Regardless, whether reviewed under a clear and convincing evidence standard or for plain error, we find no error in the trial court's sentence, notwithstanding the subsequent discovery of improperly attributed convictions in the PSI.

{¶12} Wood does not allege that plain error occurred or identify any substantial rights that have been affected.<sup>2</sup> Accordingly, we decline to assess this case for plain error, “because those issues have not been properly raised or presented.” *State v. Quarterman*, 2014-Ohio-4034, ¶ 20 (refusing to apply plain error when a plain error analysis was not properly presented on the basis that the court is not obligated to search the record or formulate legal arguments on behalf of the parties).

{¶13} Even if Wood had properly objected to the PSI before the trial court, we do not find clear and convincing evidence that the record does not support the trial court’s findings or that the sentence is otherwise contrary to law. Relevant to the charges in this case, and apart from the three erroneous convictions listed in his PSI, Wood has an extensive criminal record including multiple theft and criminal trespass convictions, as well as currently serving a prison sentence from Auglaize County for a burglary conviction.

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<sup>2</sup> Wood’s strategy on appeal was to supplement the trial court record with three docket sheets from Licking County demonstrating the erroneous convictions listed in his PSI. Wood filed a motion with this Court asking us to supplement the trial court record suggesting that the “Licking County docket entries be admitted into evidence such that they are part of the trial court record.” We declined to change the record from what was before the trial court and then decide the appeal based on new information.

Furthermore, the trial court was within its discretion to impose a prison sentence and the prison terms imposed for the two offenses were within the respective statutory range for the degree of the felony offense. *See* R.C. 2929.13(B)(1)(a)(i) and R.C. 2929.14(A). We find the three erroneously listed convictions in the PSI do not constitute clear and convincing evidence that the record does not support the trial court's imposition of sentence or that the sentence is contrary to law. *Marcum* at ¶ 1.

{¶14} Finally, “[i]n order to impose consecutive terms of imprisonment, a trial court must make the findings mandated by R.C. 2929.14(C)(4) at the sentencing hearing and incorporate its findings into its sentencing entry, but the court has no obligation to state reasons to support its findings.” *State v. Bonnell*, 2014-Ohio-3177, at syllabus. The record reflects the trial court made the necessary findings at both the sentencing hearing and incorporated them into its subsequent sentencing entry. Accordingly, we find the record supports the trial court's decision to impose the sentence consecutive to the Auglaize County sentence. Even with the inaccuracies in the PSI, we do not find clear and convincing evidence that the consecutive sentence is erroneous or otherwise contrary to law.

{¶15} Therefore, we find the trial court did not err in sentencing Wood based on the record then before it.

{¶16} Wood's assignment of error is overruled.

*Conclusion*

{¶17} For the foregoing reasons, the appellant's assignment of error is overruled. Having found no error prejudicial to the defendant-appellant in the particulars assigned and argued, the judgment of the Wyandot County Court of Common Pleas is affirmed.

*Judgment Affirmed*

**WILLAMOWSKI, and WALDICK, J. J., concur.**

**JUDGMENT ENTRY**

For the reasons stated in the opinion of this Court, the assignment of error is overruled and it is the judgment and order of this Court that the judgment of the trial court is affirmed with costs assessed to Appellant for which judgment is hereby rendered. The cause is hereby remanded to the trial court 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.

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Mark C. Miller, Judge

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John R. Willamowski, Judge

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Juergen A. Waldick, Judge

DATED:  
/jlm