

IN THE COURT OF APPEALS
FOURTH APPELLATE DISTRICT OF OHIO
LAWRENCE COUNTY

STATE OF OHIO,	:	
Appellee,	:	CASE NO. 25CA12
- vs -	:	<u>DECISION AND</u>
	:	<u>JUDGMENT ENTRY</u>
	:	RELEASED 7/15/2026
ERIC D. HANNA,	:	
Appellant.	:	

APPEARANCES:

Dave Yost, Ohio Attorney General, and Andrea K. Boyd, Special Assistant Prosecuting Attorney, for appellee

The Law Office of Karyn Justice, LLC and Karyn Justice, for appellant

BYRNE, P.J.

{¶ 1} Eric Hanna appeals the sentence imposed by the Lawrence County Court of Common Pleas after he entered a guilty plea for gross sexual imposition. For the reasons discussed below, we overrule Hanna's assignment of error and affirm his sentence.¹

1. The Chief Justice of the Supreme Court of Ohio assigned this panel—three elected judges of the Twelfth District Court of Appeals—to preside in the Fourth District Court of Appeals for the purposed of hearing this appeal and concluding any proceedings. See Ohio Constitution, Article IV, Section 5(A)(3); Supreme Court of Ohio Guidelines for Assignment of Judges, Section 501(A)(1).

I. Facts and Procedural History

{¶ 2} A Lawrence County grand jury indicted Hanna on one count of gross sexual imposition in violation of R.C. 2907.05(A)(4), a third-degree felony. The indictment arose from allegations that Hanna sexually assaulted his 14-year-old niece at his house when she was seven years old.

{¶ 3} Hanna eventually entered a guilty plea on the indictment. At the plea hearing, the court engaged Hanna in a Crim.R. 11 colloquy to ensure that Hanna was entering his plea voluntarily, knowingly, intelligently, and with an understanding of the constitutional rights he was waiving upon entering the plea. The court further informed Hanna of the potential maximum prison sentence (60 months), the requirement of registering as a Tier II sex offender, and the possibility of post-release control.

{¶ 4} After Hanna acknowledged his understanding of the rights he was foregoing by pleading guilty, and after he acknowledged his understanding of the potential sentence he could receive, Hanna pleaded guilty. The court accepted his plea and found him guilty of gross sexual imposition.

{¶ 5} The Lawrence County Bureau of Community Corrections prepared a presentence-investigative report ("PSI") that detailed the offense. The report explained that, during the presentence investigation, Hanna admitted to the offense and stated that he "placed [his] foot to rest in between [the victim's] legs and [his] foot came in contact with her private area." Hanna further stated that he "moved [his] foot a couple times in her private area" and that he "felt terrible for what he did." The PSI contained various other accounts of the offense which discussed how Hanna used his fingers to rub the victim in her "private area." According to the report, the victim confronted Hanna about

the offense after her church discussed what "molestation" was. The PSI also indicated that Hanna scored a 14 on the Ohio Risk Assessment System test ("ORAS"), which is considered a "low/moderate" risk category for recidivism.²

{¶ 6} Prior to sentencing, Hanna filed a sentencing memorandum. In his memorandum, Hanna presented arguments concerning the purposes of felony sentencing under R.C. 2929.11 and the seriousness and recidivism factors under R.C. 2929.12. Hanna argued for mitigation on the basis that his "conduct was an isolated event and was not part of a pattern or continued course of conduct." Hanna also argued he "has shown remorse directly to the victim prior to being charged" and that "he apologized numerous times in direct text messages to the victim." Hanna further argued the victim failed to show by "mental counseling or medical documentation" that the "victim sustained any injury" and that the "offense occurred over seven years ago." Hanna further noted that he has "led a law-abiding life his entire adult life." The memorandum also referenced 18 letters in support of Hanna "that exemplif[ied] [Hanna's] character and conduct in society." To conclude his sentencing memorandum, Hanna asked the court to "show mercy" when sentencing him and asked to impose "a term of community control as its sentence."

{¶ 7} The trial court conducted a sentencing hearing. The victim, the victim's mother, and Hanna all testified at the hearing.³

{¶ 8} While crying, the victim testified that Hanna's sexual assault "affected [her] life more than words would say" and that the "trauma didn't just end when the assault

2. During the sentencing hearing, the state and Hanna's counsel stated that Hanna had an ORAS score of zero at the outset of the case.

3. We will refer to the victim and her mother with nameless identifiers for the purpose of privacy. See *The Supreme Court of Ohio Writing Manual*, § 16 at 115 (3d Ed. 2024).

did." The victim testified that Hanna's assault "followed [her] [her] whole life through relationships, [and] school." She further stated that "[Hanna] has no remorse for what he did," that "[t]rusting others has become difficult for [her]," and that "[the sexual assault] has impacted [her] life profoundly." The victim stated that she has "flashbacks, nightmares and panic attacks" because of Hanna and that "a part of [her] will always be missing." She also testified that Hanna not only affected her, but her whole family. The victim concluded her testimony stating that Hanna was a "perverted pedophile" and that "he deserves to rot in prison."

{¶ 9} The victim's mother then testified. She stated that her daughter was "only seven years old when [Hanna] violated her in the most unthinkable way " and "as a mother . . . [she] [has] struggled to put into words the anguish, rage, and heartbreak that [she] [has] to live with since learning the full extent of what this predator did to [her] child." The mother testified that when she told her daughter that she did not have to see Hanna anymore, "she broke down in tears . . . [n]ot from fear, but from relief" and that she "now suffers from panic attacks, especially in social situations or when someone tries to touch her."

{¶ 10} The victim's mother testified that the victim "broke down before her first high school homecoming, terrified that her date might touch her" and that "[s]he has missed numerous days of school in preparation for trial." She further testified that "[t]o allow [Hanna] anything less than the maximum sentence would be agonizing to every victim who has ever relived their trauma in pursuit of justice."

{¶ 11} Hanna testified that he was "ashamed . . . for the situation that happened" and "felt terrible" for the victim. He further stated that he is "broken inside" and that he "lost everything." He testified that he "pray[s] that [God] just move[s] in a mighty way that

that (sic) they don't have to feel . . . pain" or "fear." Hanna also testified that he was sorry and that he "would take it back in a heartbeat," referring to the sexual assault. Hanna concluded his testimony stating that "[he] [is] just broken and that's all [he] has to say."

{¶ 12} Hanna's attorney then asked the court to consider Hanna's sentencing memorandum and his ORAS score of 14 as a mitigating factor in sentencing him.

{¶ 13} At the end of the sentencing hearing, the court stated that "prison [was] consistent with the purposes and principles of sentencing and that the offender [was] not amenable to an available community sanction." The court also imposed a prison sentence of 60 months. Prior to making this finding and imposing Hanna's sentence, the trial court explained that it reviewed the victim's statements, Hanna's statements, the statements of counsel, the plea agreement, the presentence-investigative report, and Hanna's sentencing memorandum. The court also stated that it "weighed the purposes and principles of sentencing in Ohio Revised Code Section 2929.11" and considered "the seriousness and recidivism factors in Ohio Revised Code Section 2929.12 . . ." The court also explained that "as a result of [his] conviction, [Hanna] is a Tier II Sex Offender" and was required to register as a sex offender pursuant to R.C. 2950.04. Moreover, the court imposed "five years of post-release control" and court costs. The court's sentencing journal entry also reflected these findings.

{¶ 14} Hanna appealed, raising one assignment of error.

II. Law and Analysis

{¶ 15} Hanna's sole assignment of error states:

THE COURT ERRED WHEN IT ORDERED MR. HANNA TO
SERVE THE MAXIMUM SENTENCE.

{¶ 16} Hanna concedes that the trial court "stated that it had considered the statutory language in R.C. 2929.11 and R.C. 2929.12" in sentencing him, but he argues

that the "record does not support a maximum sentence in this case." Hanna asserts that the trial court failed to consider the R.C. 2929.12(C) factors because there was evidence of (1) the victim's delay in reporting, and (2) that the state did not present any evidence beyond the victim impact statement in showing what degree of psychological harm the victim suffered. Moreover, Hanna argues that the trial court failed to consider the R.C. 2929.12(D) factors in sentencing him because there was evidence that (1) Hanna had no prior history of convictions, (2) that he scored low twice on the ORAS test (zero and 14), (3) that he is remorseful, and (4) because he was married and employed at the time of his arrest. For the forgoing reasons, Hanna asks this court to vacate his sentence and remand his case for a new sentencing hearing.⁴ We decline to do so.

1. Criminal Sentencing Law

{¶ 17} "When reviewing felony sentences, appellate courts must apply the standard of review outlined in R.C. 2953.08(G)(2)." *State v. Best*, 2023-Ohio-2278, ¶ 13 (4th Dist.), quoting *State v. Prater*, 2019-Ohio-2745, ¶ 11 (4th Dist.). R.C. 2953.08(G)(2) states, in part:

The appellate court may increase, reduce or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing court for resentencing. The appellate court's standard for review is not whether the sentencing court abused its discretion. The appellate court may take any action authorized by this division if it clearly and convincingly finds either of the following:

(a) That the record does not support the sentencing court's findings under division (B) or (D) of section 2929.13, division (B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code, whichever, if any, is relevant;
[or]

4. In his brief, Hanna fails to make an argument on how the trial court failed to consider the R.C. 2929.11 factors in sentencing him. It is not our duty to make one for him. See *Ostigny v. Brubaker*, 2024-Ohio-384, ¶ 37 (12th Dist.), citing *MB Fin. Bank, N.A. v. Mitchell*, 2019-Ohio-84, ¶ 18 (12th Dist.) ("We are not required to search the record for evidence to support an appellant's argument as to any alleged error.").

(b) That the sentence is otherwise contrary to law.

{¶ 18} "[C]lear 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." *Best* at ¶ 13, quoting *Cross v. Ledford*, 161 Ohio St. 469, paragraph three of syllabus (1954). "This court has held that, generally, a sentence is not contrary to law if a trial court considered the R.C. 2929.11 purposes and principles of sentencing, as well as the R.C. 2929.12 seriousness and recidivism factors, properly applied post-release control, and imposed a sentence within the statutory range." *Best* at ¶ 14, quoting *State v. Bowling*, 2020-Ohio-813, ¶ 7 (4th Dist.).

{¶ 19} "Trial courts have full discretion to impose a prison sentence within the statutory range" and are "not required to make any 'findings' or state 'reasons' regarding" R.C. 2929.11 and R.C. 2929.12 considerations in their sentencing." *Best* at ¶ 15, quoting *State v. Campbell*, 2020-Ohio-3146, ¶ 17 (4th Dist.); *State v. Kelly*, 2026-Ohio-71, ¶ 24 (4th Dist.), quoting *State v. Pierce*, 2024-Ohio-82, ¶ 52 (4th Dist.). "However, a sentence is contrary to law if the trial court fails to consider the R.C. 2929.11 purposes and principles of felony sentencing and the R.C. 2929.12 sentencing factors." *State v. Dillon*, 2025-Ohio-5394, ¶ 13 (4th Dist.), citing *State v. Neal*, 2015-Ohio-5452, ¶ 55 (4th Dist.).

2. Lawful Sentence

{¶ 20} Here, the record reflects that the trial court stated at the sentencing hearing and in its sentencing entry that it considered the purposes of sentencing as set forth in R.C. 2929.11 and the seriousness and recidivism factors listed in R.C. 2929.12. We have previously held that a "trial court's statement in its sentencing journal entry that it considered the required statutory factors is *alone* sufficient to fulfill its obligations under R.C. 2929.11 and 2929.12." (Emphasis added.) *State v. Bell*, 2024-Ohio-1502, ¶ 32 (4th

Dist.), citing *State v. Smith*, 2023-Ohio-681 (4th Dist.). The trial court was not required to elaborate as to its considerations of these statutes at the sentencing hearing or incorporate specific findings related to these statutes in the sentencing entry. See *Campbell* at ¶ 17.

{¶ 21} Likewise, we lack authority to vacate Hanna's sentence based on his argument that the record did not support the maximum sentence under R.C. 2929.11 and 2929.12. "R.C. 2953.08(G)(2) does not allow an appellate court to modify or vacate a sentence based on its view that the sentence is not supported by the record under R.C. 2929.11 and 2929.12." *State v. Scarberry*, 2024-Ohio-5608, ¶ 12 (4th Dist.), citing *State v. Bryant*, 2022-Ohio-1878, ¶ 22. Instead, we are limited to reviewing whether Hanna has presented clear and convincing evidence that his sentence is "otherwise contrary to law." R.C. 2953.08(G)(2)(b).

{¶ 22} As mentioned above, the record reflects that the trial court properly considered R.C. 2929.11 and 2929.12. The trial court also imposed postrelease control, the requirement to register as a Tier II Sex Offender, and court costs. Hanna's 60-month sentence also fell within the permissible statutory range. Therefore, Hanna's sentence was not contrary to law, and we overrule Hanna's sole assignment of error.

III. Conclusion

{¶ 23} We overrule Hanna's sole assignment of error and affirm the sentence imposed by the trial court.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

The assignment of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, affirmed.

It is further ordered that a mandate be sent to the Lawrence County Court of Common Pleas for execution upon this judgment and that a certified copy of this Opinion and Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed in compliance with App.R. 24.

Hendrickson, J. and M. Powell, J.: Concur in Judgment and Opinion.

For the Court,



BY: Matthew R. Byrne, Presiding Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 22, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.