

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

STATE OF OHIO,	:	
	:	Case No. 25CA1228
Plaintiff-Appellee,	:	
	:	
v.	:	<u>DECISION AND JUDGMENT</u>
	:	<u>ENTRY</u>
RODNEY CRACE,	:	
	:	
Defendant-Appellant.	:	RELEASED: 10/13/2026

APPEARANCES:

Brian T. Goldberg, Cincinnati, Ohio, for appellant.

Ariana Bowels Norris, Adams County Prosecuting Attorney, and Sean M. Donovan, Adams County Assistant Prosecutor, for appellee.

Wilkin, J.

{¶1} This is an appeal from a judgment entry of the Adams County Court of Common Pleas sentencing Rodney Crace (“Crace”) to an aggregate 34-month prison term, imposing a one-year driver’s license suspension, and ordering forfeiture of a firearm after he pleaded guilty to having a weapon while under a disability, aggravated possession of drugs, operating a vehicle under the influence, and driving with a suspended license. On appeal, Crace argues that the trial court’s imposition of consecutive prison terms was not supported by the record and that the suspension of his license was invalid because it was not read in open court. After reviewing the parties’ arguments, the record, and the applicable law, we find both his assignments of error lack merit and therefore affirm the trial court’s judgment.

BACKGROUND

{¶2} On October 21, 2024, Crace was indicted on nine criminal counts, including one count of having weapons while under disability in violation of R.C. 2923.13(A)(4), a third-degree felony; three counts of improper-handling of a firearm in a motor vehicle in violation of R.C. 2923.16(B) and (D)(1) and (2), fourth- and fifth-degree felonies; one count of aggravated possession of drugs in violation of R.C. 2925.11(A), a fifth-degree felony; three counts of operating a vehicle under the influence of drugs (OVI) in violation of R.C. 4511.19(A)(1)(a), (A)(1)(j)(i) and (A)(1)(j)(viii)(ix), first-degree misdemeanors; and driving with a suspended license in violation of R.C. 4511.11(A), a first degree misdemeanor. On May 7, 2025, he pleaded guilty to having weapons while under disability (Count 1), aggravated possession of drugs (Count 5), OVI (Count 6), and driving with a suspended license (Count 9), and the remaining counts were dismissed per a plea agreement.

{¶3} The court held a sentencing hearing on July 23, 2025, which it continued to September 3, 2025. During the hearing, the court stated that it considered the principles and purposes of felony sentencing under R.C. 2929.11(A) and balanced the seriousness and recidivism factors under R.C. 2929.12. The court then discussed the circumstances of the offenses, including the involvement of two other individuals, methamphetamine use, and Crace's "bizarre" behavior. Crace also acknowledged that, after these offenses, he was again convicted of driving without a valid license. The court further referenced additional violations, including driving under suspension, driving 80 m.p.h. in a

55-m.p.h. zone, and causing an accident by failing to maintain an assured clear distance ahead. The court also noted that Crace violated bond by failing to report and by failing a drug screen.

{¶4} The court concluded:

After due consideration, the court finds the defendant is no longer amenable to available community control sanctions. It's therefore ordered that the defendant shall serve a stated prison term in count one of 24 months and a stated prison term in count five of 10 months, which will served . . . consecutive to the term imposed in count one and the term of local incarceration in count six of the 180 days which shall be served concurrent to the terms imposed in count one and five and a term of local incarceration and count nine of 180 days which also be served concurrent to the terms of incarceration and counts one and five. For a total term of incarceration of 34 months.

Because multiple prison terms are imposed on the offender for convictions of multiple offenses, the court may require the offender to serve these terms consecutively and two of them are because the court finds that consecutive services is necessary to protect the public from future crime and or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger that he poses to the public. And the court finds further that at least two of the multiple offenses were committed as part of one or more courses of conduct and the harm caused or the potential harm caused by two or more of the multiple offenses so committed is so great or unusual that no single prison term for any of the offenses committed as part of the courses of conduct would adequately reflect the seriousness of the offender's conduct.

{¶5} The entry further imposed a \$375 OVI fine, a one-year driver's license suspension, and forfeiture of his firearm. It is this judgment that Crace appeals.

ASSIGNMENTS OF ERROR

- I. THE TRIAL COURT ERRED IN IMPOSING CONSECUTIVE SENTENCES WHEN THE RECORD DID NOT SUPPORT THE FINDINGS MADE BY THE TRIAL COURT TO IMPOSE CONSECUTIVE SENTENCES.

II. MR. CRACE'S DUE PROCESS RIGHTS WERE VIOLATED WHEN THE TRIAL COURT IMPOSED A SENTENCE THAT WAS NOT ANNOUNCED IN OPEN COURT

First Assignment of Error

{¶6} In his first assignment of error, Crace asserts that the trial court erred by imposing consecutive sentences because the record does not support the court's consecutive sentence findings made pursuant to R.C. 2929.14(C)(4). Crace claims that consecutive sentences are unnecessary to protect the public from future crime or to punish him. In support, Crace acknowledged his admission to the court that he was addicted to drugs at the time of this offense but notes he reported to the court that he had attended addiction meetings and treatment, had been sober for over 200 days, and was in treatment for his addiction. He also cites testimony from his pastor, which indicated that he believed "[Crace's] heart has really been changed, and he really does want to live a better life."

{¶7} He also argues his lack of significant criminal history, which is limited to prior traffic offenses, weighs against consecutive terms. He contends a 24-month term suffices to reflect seriousness without the additional consecutive 10 months.

{¶8} Finally, he claims that for the same reasons he cited previously, consecutive sentences "were not necessary to reflect the seriousness of [his] conduct."

{¶9} Therefore, Crace moves this Court to modify his sentence by ordering his 24-month and 10-month prison terms be served concurrently rather than consecutively.

{¶10} In response, the State contends that the record supports the trial court's decision to impose consecutive sentences. The State notes that the trial court described the conduct underlying Crace's convictions as "a day-long event of driving around, partying with guns and methamphetamine . . . in a highly congested area as far as businesses and persons." The State also emphasizes the trial court's concern that, shortly after his arrest in this case, Crace incurred another charge for driving without a license. In addition, the court referenced Crace's prior traffic-related violations, including fictitious registration (2023), driving under suspension (2023), speeding (80 m.p.h. in a 55-m.p.h. zone), causing an accident by failing to maintain an assured clear distance, and bond violations for failing to report and failing to submit to drug testing.

{¶11} The State argues that these facts support the trial court's consecutive-sentence findings. Accordingly, the State asks this court to overrule Crace's first assignment of error.

A. Law

{¶12} We review the appeal of a felony sentence under R.C. 2953.08(G).
R.C. 2953.08(G)(2)(a)

authorizes appellate courts to increase, reduce, or otherwise modify a sentence "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 Treatment(C)(4) of section 2929.14, or division (I) of

section 2929.20 of the Revised Code, whichever, if any, is relevant;

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

State v. Rogers, 2026-Ohio-2277, ¶ 17 (4th Dist.)

{¶13} “Generally, a trial court is required to make certain findings pursuant to R.C. 2929.14(C)(4) before ordering a defendant to serve multiple prison terms consecutively.” *State v. Durst*, 2026-Ohio-2600, ¶11 (4th Dist.). “The trial court is required to make the consecutive-sentence findings at the disposition hearing and incorporate the findings in the sentencing entry.” *Id.*, citing *State v. Bonnell*, 2014-Ohio-3177, ¶ 23. R.C.2929.14(C)(4) provides that:

[i]f multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(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.

{¶14} “The record must support any findings that the applicable statutory sentencing provisions require and that are made by the sentencing court, including those contained in R.C. 2929.14(C)(4)(a)-(c).” *State v. McFarland*, 2025-Ohio, ¶ 17 (4th Dist.), citing *State v. Gray*, 2019-Ohio-5317, ¶ 21 (4th Dist.); *State v. Drummond*, 2024-Ohio-81, ¶ 11 (4th Dist.). A “trial judge may consider the credibility of the witnesses’ testimony in contemplating the statutory factors for sentencing purposes.” *State v. Lytle*, 1998 WL 429845, *3 (2d Dist. July 31, 1998).

{¶15} Finally, we observed “that the plain language of R.C. 2953.08(G)(2) requires an appellate court to defer to a trial court’s consecutive-sentence findings, and to uphold the trial court’s findings unless those findings are clearly and convincingly not supported by the record.” *State v. Collins*, 2024-Ohio-2891, ¶25 (4th Dist.), citing *Drummond* at ¶ 12. “[P]ractically speaking, R.C. 2953.08(G)(2) means that appellate courts ordinarily ‘ “defer to trial courts’ broad discretion in making sentencing decisions,” ’ ” *State v. Rogers*, 2026-Ohio-2277, ¶ 17, quoting *State v. Gwynne*, 2023-Ohio-3851, ¶ 11 (lead opinion), quoting *State v. Rahab*, 2017-Ohio-1401, ¶ 10 (lead opinion).

Analysis

{¶16} Crace does not dispute that the trial court made the appropriate findings under R.C. 2929.14(C)(4)(b) necessary to impose consecutive prison terms. Instead, he argues the record does not support the trial court’s findings that consecutive sentences are (1) “necessary in this case to protect the public from future crime or punish [him,]” and (2) “necessary to reflect the seriousness

of [his] conduct.” However, he does not meaningfully challenge the remaining findings made by the trial court, i.e., that consecutive sentences are not disproportionate or that the offenses were committed as part of a course of conduct causing harm so great or unusual that no single term would adequately reflect the seriousness of his conduct.

{¶17} We find that the sentencing record supports the trial court’s conclusion that consecutive sentences are necessary to protect the public from future crime and punish Crace. Crace was convicted of driving a vehicle that contained a firearm while under a license suspension with multiple persons who were under the influence of methamphetamine. The trial court described Crace’s offenses as “a day-long event of driving around, partying with guns and methamphetamine and it and as the state of Ohio pointed out in a highly congested area as far as businesses and persons.” Even Crace admits “nobody will dispute that operating a motor vehicle with a suspended license while in possession of a firearm and methamphetamine is a serious and dangerous offense.” These facts reasonably support a finding that Crace’s conduct posed a serious public-safety risk.

{¶18} The record also reflects continued unlawful driving behavior after Crace’s arrest. Shortly after he was arrested on the charges herein, Crace again operated a vehicle while his license was suspended. That post-arrest conduct supports the trial court’s conclusion that Crace posed an ongoing risk and that consecutive sentences were necessary to protect the public.

{¶19} Further, Crace admitted at sentencing that he is a drug addict and failed a drug test. Given that the underlying conduct involved methamphetamine and dangerous driving circumstances, the trial court could reasonably conclude that Crace’s substance-abuse issues increased the likelihood of recidivism and future danger.

{¶20} Finally, the record indicates Crace caused an auto accident by failing to maintain an assured clear distance and was cited for driving 80 mph in a 55-mph zone, which also supports the trial court’s finding that Crace is a danger to the public.

{¶21} Nevertheless, Crace relies on his own testimony (e.g., sobriety for 200 days) and his pastor’s testimony that his “heart has really been changed.” But the trial court was tasked with assessing credibility and weighing mitigation. The court determined the testimony was insufficient to mitigate the need to protect the public or to impose consecutive sentences, and the record does not warrant disturbing that credibility determination.

{¶22} Crace also argues that his lack of criminal history shows consecutive sentences are unsupported by the record, but that contention does not address the basis on which the trial court imposed consecutive terms. The court imposed consecutive sentences pursuant to R.C. 2929.14(C)(4)(b) (authorizes consecutive sentences if offenses were committed as “one or more courses of conduct[,]” and the “harm caused” was “great or unusual”), not R.C. 2929.14(C)(4)(c) (authorizes consecutive sentence based on offender’s “criminal history”). Thus, Crace’s criminal history argument is misplaced.

{¶23} Because the record reflects sustained and dangerous conduct involving firearms, methamphetamine, unlawful driving in a congested area, continued suspended driving after arrest, admitted addiction and failed drug testing, and additional unsafe driving behavior, the trial court's findings that consecutive sentences were necessary to protect the public and to reflect the seriousness of Crace's conduct. Accordingly, the consecutive sentences are not clearly and convincingly unsupported by the record.

Second Assignment of Error

{¶24} In his second assignment of error, Crace claims that his due process was violated because the sentencing entry imposed a one-year driver's license suspension not announced in open court

{¶25} Therefore, Crace maintains that his sentence should be reversed and his case remanded for resentencing.

{¶26} In response, the State claims that the court did announce the suspension of Crace's driver's license in open court during the sentencing hearing. Therefore, the State asks this court to overrule Crace's second assignment of error.

Law and Analysis

{¶27} Subject to exceptions not alleged in this case, Ohio Crim.R. 43 provides that "the defendant must be physically present at every stage of the criminal proceeding and trial, including the . . . imposition of sentence[.]" Interpreting Ohio Crim.R. 43, the Sixth District Court of Appeals has reasoned that:

[b]ecause a defendant is required to be present when sentence is imposed, it constitutes reversible error for the trial court to impose a different sentence in its judgment entry than was announced at the sentencing hearing in defendant's presence. Thus, “ ‘if there exists a variance between the sentence pronounced in open court and the sentence imposed by a court's judgment entry, a remand for resentencing is required.’ ”

In re A.T., 2014-Ohio-1761, ¶ 63 (6th Dist.), quoting *State v. Hardison*, 2011-Ohio-4859, ¶ 9 (6th Dist.), quoting *State v. Pfeifer*, 2011-Ohio-289, ¶ 8 (6th Dist.).

{¶28} Contrary to Crace’s assertion, the trial court did state in open court that part of his sentence would be the suspension of his driver’s license.

Therefore, because the suspension of Crace’s driver’s license was stated in open court and on the court’s sentencing entry, his argument lacks merit. Accordingly, we overrule Crace’s second assignment of error.

CONCLUSION

{¶29} Having overruled both of Crace’s assignments of error, we affirm the trial court judgment entry.

JUDGMENT IS AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT IS AFFIRMED and that appellant shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Adams County Court of Common Pleas to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Smith, P.J.: Concurs in Judgment and Opinion.

Judge Peter B. Abele concurred in this Judgment and Opinion prior to his death on September 25, 2026.¹

For the Court,

BY: _____
Kristy S. Wilkin, 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.

¹ The Ohio Constitution requires the concurrence of at least two judges when rendering a decision of a court of appeals. Therefore, this announcement of decision is in compliance with constitutional requirements. See *State v. Pembaur* (1982), 69 Ohio St.2d 110.