

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
COSHOCTON COUNTY, OHIO

STATE OF OHIO

Plaintiff - Appellee

-vs-

WALTER C. LOVE, JR.

Defendant - Appellant

Case No. 2026CA0004

Opinion and Judgment Entry

Appeal from the Coshocton County Court of
Common Pleas, Case No. 24 CR 0078

Judgment: Appeal Dismissed

Date of Judgment Entry: September 23, 2026

BEFORE: Andrew J. King; William B. Hoffman; David M. Gormley, Judges

APPEARANCES: Benjamin E. Hall, Coshocton County Prosecuting Attorney, Chrishana L. Carroll, Assistant Prosecuting Attorney, for Plaintiff-Appellee; Todd W. Barstow, for Defendant-Appellant.

Hoffman, J.

{¶1} Defendant-Appellant Walter C. Love, Jr. appeals the April 9, 2026 judgment of conviction and sentence entered by the Coshocton County Common Pleas Court. Plaintiff-Appellee is the State of Ohio.

STATEMENT OF THE FACTS AND CASE

{¶2} On May 27, 2024, at approximately 10:20 a.m., law enforcement was called to 719 S. 61st Street in the City of Coshocton for an alleged Domestic Violence incident. It was reported the male had fled in a blue Saturn. The 9-1-1 caller was the victim, E.C. who reported she and her live-in boyfriend, Appellant Walter C. Love, Jr., had gotten into an

argument over who was going to get Appellant's debit card out of E.C.'s wallet. She stated she told him she was willing to get the card for him, but he became angry and wanted to get it himself. She stated he was screaming at her and her eight-year-old daughter, who was present, told him not to yell at her mom.

{¶3} E.C. stated the Appellant yelled back at the child, and she told him not to speak to her daughter in that way. She stated this was when Appellant attacked her by grabbing her by the throat with both hands and strangling her to the point she could not breathe. She stated Appellant continued to yell and tell her he had warned her "not to fuck with me." She stated as she continued to struggle to get loose, her daughter jumped on Appellant's back and hit him. E.C. further reported when Appellant finally let loose, she ran to find a charger to plug in her phone to contact 9-1-1 while Appellant was searching the room for a firearm he knew E.C. had. She stated she had moved it the day before and while Appellant was upstairs, she grabbed the firearm and drew it on Appellant, telling him to leave. She stated once Appellant left, she locked the door behind him and called 9-1-1.

{¶4} E.C. was ultimately treated at Genesis Healthcare Emergency Department for sore throat, trouble swallowing, dizziness and lightheadedness, as well as having noted bruises and contusions on her neck.

{¶5} On July 29, 2024, the Coshocton County Grand Jury indicted Appellant on one count of Strangulation, a felony of the fifth degree.

{¶6} On November 15, 2024, the Coshocton County Grand Jury issued a superseding indictment charging him with one count of Strangulation, a felony of the fourth degree, with the specification for family or household member.

{¶7} On November 26, 2024, after several failed attempts at contact, a warrant was issued for Appellant's arrest for failure to appear for a scheduled office visit with his pretrial supervision officer.

{¶8} Appellant remained absconded until approximately March 2, 2026, when he was arrested in Florida, and was extradited to Ohio.

{¶9} On April 2, 2026, a change of plea hearing was held and Appellant appeared with counsel. Appellant pled guilty to the single amended count of Strangulation, a felony of the fifth degree. Appellant waived a presentence investigation report as part of the Rule 11 negotiations, and the State and Appellant jointly recommended a prison term of 14 months. The trial court proceeded with sentencing. After hearing arguments from both parties and a statement by the victim (EC), the court imposed the jointly recommended sentence of fourteen-months. (See 4/9/2026 Judgment Entry Plea of Guilty and Sentencing).

{¶10} Appellant now appeals the April 9, 2026, sentencing entry, raising the following error for review:

ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED TO THE PREJUDICE OF APPELLANT BY SENTENCING HIM IN CONTRAVENTION OF OHIO'S SENTENCING STATUTES.

I.

{¶11} R.C. §2953.08 governs a defendant's right to appeal a sentence. *State v. Sergeant*, 2016-Ohio-2696, ¶ 15.

{¶12} R.C. §2953.08(D)(1) provides:

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.

{¶13} A sentence is "authorized by law" and not subject to appeal within the meaning of R.C. §2953.08(D)(1) "only if it comports with all mandatory sentencing provisions." *State v. Underwood*, 2010-Ohio-1, ¶ 20.

{¶14} "The General Assembly intended a jointly agreed-upon sentence to be protected from review precisely because the parties agreed that the sentence is appropriate. Once a defendant stipulates that a particular sentence is justified, the sentencing judge no longer needs to independently justify the sentence." *State v. Porterfield*, 106 Ohio St. 3d 5, 2005-Ohio-3095, ¶ 25, 829 N.E.2d 690.

{¶15} Appellant claims consideration of R.C. §2929.11 and §2929.12 are mandatory sentencing requirements, and thus he can appeal the court's failure to consider those statutory factors in accordance with *Underwood*. However, *Underwood* stated its holding did "not prevent R.C. §2953.08(D)(1) from barring appeals that would otherwise challenge the court's discretion in imposing a sentence, such as whether the trial court complied with statutory provisions like R.C. §2929.11 (the overriding purposes of felony sentencing), §2929.12 (the seriousness and recidivism factors), and/or §2929.13(A) through (D) (the sanctions relevant

to the felony degree) or whether consecutive or maximum sentences were appropriate under certain circumstances." *Underwood*, 2010-Ohio-1, at ¶ 22.

{¶16} Here, Appellant's fourteen-month sentence was the result of a negotiated plea agreement between himself and the State. Per the agreement, Appellant pled guilty to one count of strangulation, in violation of R.C. §2903.18(B)(3), a felony of the fourth-degree. The sentencing range for a fourth-degree felony is six to eighteen months in prison. *See* R.C. §2929.14(A)(4).

{¶17} Having found Appellant's jointly recommended sentence is within the sentencing range and is authorized by law, we find the sentence is not reviewable on appeal. *State v. Ramsey*, 2017-Ohio-4398, ¶ 15-17 (5th Dist.).

{¶18} Appeal dismissed.

{¶19} Costs to Appellant.

By: Hoffman, J.

King, P.J. and

Gormley, J. concur.