

**IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
KNOX COUNTY, OHIO**

STATE OF OHIO

Plaintiff - Appellee

-vs-

JOSHUA A. SHANNON

Defendant - Appellant

Case No. 26-CA-4

Opinion And Judgment Entry

Appeal from the Court of Common Pleas,
Case No. 23CR09-0213

Judgment: Affirmed

Date of Judgment Entry: October 19, 2026

BEFORE: Craig R. Baldwin; Andrew J. King; Kevin W. Popham, Judges

APPEARANCES: CHARLES T. MCCONVILLE, NICOLE E. DERR, for Plaintiff-Appellee; TODD W. BARSTOW, for Defendant-Appellant.

King, J.

{¶ 1} Defendant-Appellant, Joshua A. Shannon, appeals the February 24, 2026 entry and order of the Knox County Common Pleas Court denying his motion to correct sentence entry. Plaintiff-Appellee is the State of Ohio. We affirm the trial court.

FACTS AND PROCEDURAL HISTORY

{¶ 2} On September 11, 2023, the Knox County Grand Jury indicted Shannon on one count of aggravated possession of drugs in violation of R.C. 2925.11, one count of aggravated trafficking in drugs in violation of R.C. 2925.03, and one count of having weapons while under disability in violation of R.C. 2923.13. The indictment included firearm and forfeiture specifications.

{¶ 3} On January 30, 2025, Shannon pled guilty to the aggravated possession count, a felony in the second degree, and the attendant firearm and forfeiture specifications; the remaining counts and specifications were dismissed. By sentencing entry filed February 21, 2025, the trial court sentenced Shannon to an indefinite mandatory term of four to six years on the aggravated possession count and a mandatory term of one year on the firearm specification, to be served prior to and consecutive to the indefinite sentence, for a total mandatory sentence of five to six years in prison. On March 13, 2025, the trial court filed a nunc pro tunc sentencing entry to readdress the forfeiture order.

{¶ 4} On February 23, 2026, Shannon filed a pro se motion to correct sentence entry, requesting an order to instruct the Ohio Department of Rehabilitation and Correction that he was eligible for earned reduction of minimum prison term ("ERMPT") despite his mandatory sentence. By entry and order filed February 24, 2026, the trial court denied the motion, finding Shannon was not eligible for a reduction in sentence under R.C. 2929.14(B)(1)(b) and 2967.194(C)(1) because he was sentenced to mandatory terms.

{¶ 5} Shannon filed an appeal with the following assignment of error:

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{¶ 6} "THE TRIAL COURT ERRED TO THE PREJUDICE OF APPELLANT BY FINDING THAT HE WAS INELIGIBLE FOR A REDUCTION IN HIS PRISON TERM FOR ENGAGING IN EXCEPTIONAL CONDUCT OR ADJUSTMENT TO INCARCERATION."

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{¶ 7} In his sole assignment of error, Shannon claims the trial court erred in finding he was ineligible for a reduction in his mandatory sentence under ERMPT. We disagree.

{¶ 8} This same issue was reviewed and thoroughly analyzed by this court in *State v. Wright*, 2026-Ohio-1714 (5th Dist.). In finding ERMPT does not apply to mandatory prison terms, this court stated the following:

R.C. 2929.13(F) reflects an unambiguous legislative judgment: certain offenses require prison terms that must be imposed and must be served. The statute does more than mandate incarceration. It expressly prohibits reducing those terms through judicial release, earned credit, or "**any other provision of Chapter 2967** or Chapter 5120," unless a specific exception applies. (Emphasis added.) ERMPT, codified in R.C. 2967.271(F), falls squarely within Chapter 2967. It is therefore subject to this prohibition.

There is no conflict between R.C. 2929.13(F) and R.C. 2967.271(F), and thus no need to invoke R.C. 1.51. The statutes operate in harmony. R.C. 2967.271(F) establishes a general earned reduction mechanism. R.C. 2929.13(F) carves out a clear exception for mandatory terms and removes them from all reduction schemes. Reading the statutes together, ERMPT applies only where the underlying sentence is legally reducible. Mandatory sentences are not.

Nor does R.C. 2967.271(F)(8) suggest otherwise. That provision categorically excludes all offenders serving non-life, indefinite sentences for sexually oriented offenses from ERMPT eligibility. The statute applies uniformly to this entire class of offenders and contains no language suggesting a distinction between mandatory and non-mandatory components of those

sentences. Its command is absolute—ERMPT is barred in both situations. R.C. 2967.271(F)(8)'s function is categorical exclusion, not silent expansion. The absence of an explicit reference to mandatory terms within R.C. 2967.271 does not create an implied exception to R.C. 2929.13(F)'s broad prohibition. If the General Assembly intended ERMPT to apply to mandatory sentences, it would have said so. It did not.

Courts may not create such an exception by implication. The legislature has made a deliberate policy choice that certain offenders serve fixed, nonreducible terms. *Dura lex, sed lex* - that choice must be enforced as written.

Id. at ¶ 38-41.

{¶ 9} This court went on to analyze persuasive authority and then concluded the following:

The statutory framework leaves no room for ambiguity. R.C. 2929.13(F) reflects a clear legislative command that certain prison terms are mandatory, both in their imposition and in their service, and that they "shall not" be reduced through any mechanism contained in Chapter 2967 unless the General Assembly expressly provides otherwise. ERMPT, codified in R.C. 2967.271(F), is such a mechanism. It therefore cannot apply to mandatory prison terms.

Nothing in the text of R.C. 2967.271 suggests an intent to override or create an exception to R.C. 2929.13(F). Reading the statutes together, as this Court must, confirms that ERMPT operates only where a sentence is legally subject to reduction. Mandatory sentences are not. To hold otherwise would require the Court to ignore the plain language of R.C. 2929.13(F), dilute the meaning of "mandatory," and create an exception the legislature chose not to enact.

Id. at ¶ 54-55.

{¶ 10} Based upon this court's opinion in *Wright*, we find the trial court did not err in finding Shannon was not eligible for a reduction in his mandatory sentence under ERMPT.

{¶ 11} The sole assignment of error is denied.

{¶ 12} For the reasons stated in our accompanying Opinion, the judgment of the Knox County Common Pleas Court is AFFIRMED.

{¶ 13} Costs to Appellant.

By: King, J.

Baldwin, P.J. and

Popham, J. concur.