[Cite as *State v. Vance*, 2026-Ohio-4397.]

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

STATE OF OHIO, Plaintiff - Appellee -vs- JARETH VANCE, Defendant - Appellant	Case No. 2025 CA 0084 Opinion And Judgment Entry Appeal from the Richland County Common Pleas Court, Case No. 2024 CR 0138 N Judgment: Affirmed Date of Judgment Entry: November 3, 2026

BEFORE: William B. Hoffman; Craig R. Baldwin; Robert G. Montgomery, Judges

APPEARANCES: JODIE M. SCHUMACHER, Richland County Prosecuting Attorney by MICHELLE FINK, for Plaintiff-Appellee; DREAMA KAY REESE, for Defendant-Appellant.

Montgomery, J.

{¶1} Defendant-Appellant, Jareth Vance, appeals from the judgment of the Richland County Court of Common Pleas, after a jury convicted him of 40 counts, including multiple counts of aggravated attempted murder, aggravated burglary, kidnapping, and more. For the reasons below, we AFFIRM.

STATEMENT OF THE CASE

{¶2} On February 28, 2024, Defendant-Appellant, Jareth Vance (Appellant), was charged with a total of 42 counts, including multiple counts of: (1) attempted aggravated murder; (2) aggravated burglary; (3) felonious assault; (4) gun specifications; (5) aggravated arson; (6) kidnapping; and (7) menacing by stalking. The charges stem from events that took place on February 11, 2024, set forth below.

{¶3} At the close of the State's evidence, the trial court granted Appellant' Rule 29 motion concerning counts 41 and 42. On August 14, 2025, the jury convicted Appellant of all remaining **40 counts**, as well as 3-year gun specifications, pursuant to 2941.451(A), as to Counts 1 through 27 and 36. On August 28, 2025, the trial court sentenced Appellant. The aggregate minimum term of Appellant's sentence is one hundred eight-six and one half years (186 1/2) in prison to a maximum of one hundred ninety-two years (192) plus forty-two years (42) in prison resulting from the gun specifications. Appellant filed the instant appeal.

STATEMENT OF FACTS

{¶4} The record establishes the following facts. One of the victims in this case, LR, had recently terminated a relationship with Appellant after dating for a few months. Beginning in late January, Appellant told LR on several occasions that he "would rent a U-Haul truck ... burn [her] house down and then * * * bang it out with the cops and die." Tr. pp. 1748-1749. On February 9, 2024, Appellant reserved a U-Haul truck for a 24-hour loan. On the morning of February 11, 2024, the day of the Super Bowl, Appellant arrived at the U-Haul Moving and Storage located in Mansfield, Ohio, and picked up the truck. At different times throughout that day, Appellant drove around Landings Court in Ontario, Richland County, where LR's sister lived. Appellant also went to a friend's house and stole his gun,

went to his grandfather's garage in Perrysville, Ohio and stole a gas can containing fuel, and went to a Wal-Mart where he stole road flares and mechanic's gloves.

{¶5} That same day, Appellant appeared at LR's daughter's school where she was playing basketball, despite a no contact order in effect. LR stated she wanted Appellant to leave. Appellant obliged but as he was leaving, he whispered to LR that she was lucky he let her live that day. LR later contacted police to report that Appellant violated the no contact order and filed an official police report with Deputy Petrie. Deputy Petrie testified that LR appeared to be scared, very concerned, and feared for her and her family's safety. At around 3:30 p.m., Deputy Petrie called Appellant, who denied being at the school and basketball game, claiming he was at his grandparents' home in Perrysville, about an hour away.

{¶6} Later that evening, Appellant went to the Backroom Bar and Grille in Mansfield, Ohio. Diana Pennywitt worked at the bar, and she was there on the day in question (her day off) to watch the Super Bowl, arriving close to 6:00 p.m. Pennywitt testified that Appellant entered the bar about forty minutes after her and he was very angry with his ex-girlfriend, saying he should just kill her. Appellant left the bar about an hour later.[1] Appellant then drove to LR's home and proceeded to set fire to LR's back porch.

{¶7} LR's neighbor, James Chainey, lived next door to LR. Chainey testified that on February 11, 2024, at around 8:00 pm, he left for a few minutes to wash his car. As he drove home, he noticed a large cloud of smoke and flames very close to his house. He pulled into his driveway and ran towards the flames, behind LR's home, where the back of LR's

[1] About a week later, Pennywitt mentioned it at a staff meeting and a coworker told her she needed to report what Appellant said about LR, who also sometimes came into the bar. Pennywitt went to the Ontario Police Department and filled out a statement.

house was on fire. A few feet away was a road flare. Chainey ran to the door and knocked, but no one answered, although the dogs inside began to bark. Chainey called the fire department then ran to get a bucket of water to try to minimize the damage.

{¶8} Another neighbor saw the fire and tried to help. The fire was concentrated to the back of the house - the back deck, the gutters and siding, and the sliding glass doors. The fire department quickly arrived and extinguished the fire, cleared the house, and retrieved the dogs from inside. At 9:10 p.m., Chainey called LR, but a man answered her phone. Neighborhood surveillance cameras captured Chainey driving his car home at the time he testified to and passing Appellant in the U-Haul at 8:23 pm. Several other neighbors had video cameras that similarly captured the U-Haul and Appellant in the area during the time in question.

{¶9} Earlier that day, JC invited her sister, LR, LR's two minor children, LR's adult daughter and boyfriend, and his eight-year-old boy, to watch the Super Bowl. JC, her three minor children, and JC's significant other, were all present for the Super Bowl together. After the halftime show, one of the children saw Appellant looking at them through the window on JC's porch. The child told her mother, JC, who immediately called 9-1-1. Tr. pp. 1595- 1597. JC informed the 9-1-1 operator that Appellant had a "no contact" order with LR, that Appellant was at the home, and he had a gun. The two adult males at the home, CH and TM, went into the garage to look for a bat or some other means of protection. The events that followed created total chaos.

{¶10} Appellant forcefully entered JC's home through the front door - which was the only outside access to the home other than the garage. Appellant closed the door behind him. CH and TM returned from the garage, approached Appellant with the bat, and told Appellant

it did not have to be like this, that there was a better way. Appellant pulled out his gun, lifted it up in the air, and responded to CH and TM that he had the better way. CH dropped the bat. TR (LR's adult daughter) pleaded with Appellant that he did not have to do this, that he should think about his daughter. Appellant replied he was already going to do twenty-five to life anyway. Appellant pointed his gun at TM's head, demanded he raise his shirt, and walked around TM to check his pockets and make sure TM did not have a gun.

{¶11} Appellant soon realized JC was on her phone. Brandishing the gun again, Appellant demanded that JC hang up and put her phone down; he then ordered everyone else to put their phones down. Everyone did as Appellant ordered. As these events were taking place, the younger children, all under the age of 13, heard the commotion and ran down the hallway toward the living room. However, the oldest minor child directed them back down the hallway and into a bedroom, shut the door, and locked it from the outside so the children would not come out. The older child went into the master bathroom and locked the door. She then called 9-1-1, telling the operator that someone was in the home and that he had a gun.

{¶12} Meanwhile in the living room area, JC begged Appellant to let the children leave the home. Appellant eventually agreed. JC went to get the children, told them to be strong, follow directions, and not ask questions. As the children made their way down the hallway and into the living room to exit, Appellant told LR's minor children to say goodbye to their mom and that this was the last time they would ever see her. LR was on the floor while Appellant pointed the gun at her. Tr. pp. 1437-1448.

{¶13} As the children exited through the front door Sargeant Barnhart, Officer Rivers, and Detective Bailey from the Ontario Police Department were approaching. Detective Bailey

grabbed his patrol rifle from his cruiser and activated his bodycam. The officers directed the crying children to get behind the police cars. The adults soon started exiting the home onto the front patio and the officers began yelling that they were police and told them to put their hands up. Everyone got out except LR. Detective Bailey continued to approach the house. The four adults who exited moved away from the front door, leaving Detective Bailey and Officer Rivers able to see inside.

{¶14} Sargeant Barnhart was able to see Appellant and LR, who were facing one another in the kitchen. Appellant was holding LR's arm, and she was attempting to pull away. The officers began yelling commands at Appellant, who looked up and made eye contact with Sargeant Barnhart. Appellant reached around LR, fisting her shirt and dragging her around, bringing her shoulder to rest on his chest. Appellant began to drag LR away from the front door down the hallway. By the time they were two-thirds of the way down the hallway Appellant had his arm around LR with her back to his chest and his gun to her head. The officers lost sight of them for several seconds, and Sargeant Barnhart contacted dispatch for additional help. Tr. pp. 1626- 1628.

{¶15} A few seconds later, LR came running down the hallway; she had managed to get out of her oversized sweatshirt, escaping Appellant, and ran for the front door. Just as LR cleared the front door, Sargeant Barnhart saw Appellant approaching again. Appellant aimed his gun out the front door and fired shots, hitting Detective Bailey three times. Officer Rivers was also hit by shrapnel from the shots Appellant fired. Appellant also shot LR and she collapsed to the porch. LR suffered a gunshot wound to her upper leg. Some of the victims were able to pull LR out of the way as some officers provided cover while other officers drug

Detective Bailey behind a cruiser, tending to his significant injuries. Detective Bailey then regained position to help maintain cover of the home.

{¶16} Additional law enforcement arrived who tended to LR's injuries. Appellant fired his gun at least six times. While all of this was happening, the oldest child remained in the locked master bathroom. She heard the commotion in the home, she heard the shots fired and wasn't sure if someone died, and she heard Appellant moving around in the home. She also heard Appellant call the police and make demands, claiming to have grenades, and asking who won the Super Bowl.

{¶17} Additional first responders, including EMS, the hostage negotiation team, and the SWAT team arrived. Detective Bert Skeen, a trained hostage negotiator, arrived and began what became a four-hour negotiation with Appellant. Appellant informed Detective Skeen that he had grenades and that he had been planning this for three months. Eventually, Appellant and Detective Skeen arranged for Appellant to surrender. Appellant walked out of the home and was secured by law enforcement.

{¶18} As set forth, after hearing days of the State's evidence and testimony from multiple witnesses and multiple victims, the jury found Appellant guilty of 40 counts as charged in the indictment. The trial court sentenced Appellant, and he filed a timely appeal.

ASSIGNMENTS OF ERROR

{¶19} "I. THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION, UPON GRANTING APPELLANT'S MOTION FOR SEPARATION OF WITNESSES AND, THEREAFTER, OVER OBJECTION OF TRIAL COUNSEL, UPON PERMITTING A VICTIM/WITNESS (DAUGHTER) TO ENTER THE COURTROOM, PRIOR TO HER OWN TESTIMONY, TO OBSERVE THE TESTIMONY OF VICTIM/WITNESS (MOTHER), AND THAT SAME WAS PREJUDICIAL TO APPELLANT."

{¶20} "II. APPELLANT'S CONVICTIONS ON COUNTS NINETEEN, TWENTY, TWENTY-ONE, TWENTY-TWO, TWENTY-THREE, TWENTY-FOUR,

TWENTY-FIVE, TWENTY-SIX AND TWENTY-SEVEN OF THE INDICTMENT, TO WIT: KIDNAPPING, WERE NOT SUPPORTED BY SUFFICIENT EVIDENCE."

{¶21} "III. THE FAILURE OF APPELLANT'S TRIAL COUNSEL TO OBJECT TO APPELLANT'S SENTENCE CONSTITUTED INEFFECTIVE ASSISTANCE OF COUNSEL, IN VIOLATION OF APPELLANT'S RIGHT TO COUNSEL UNDER THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 10 OF THE OHIO CONSTITUTION."

{¶22} "IV. THE TRIAL COURT'S IMPOSITION OF MANDATORY CONSECUTIVE SENTENCES ON APPELLANT WAS CONTRARY TO LAW AND CONSTITUTED PLAIN ERROR, AS IT WAS GROSSLY DISPROPORTIONATE AND A VIOLATION OF APPELLANT'S RIGHT AGAINST CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 9 OF THE OHIO CONSTITUTION."

1) Separation of Witnesses

{¶23} In the first assignment of error, Appellant argues the trial court abused its discretion in allowing TR to be present in the courtroom for a portion of LR's testimony despite defense counsel's objection and despite separation of witnesses. We disagree.

{¶24} In 2017, the Ohio Constitution was amended to add Marsy's Law. Marsy's law established various rights for crime victims and reiterated their right to be present at all public criminal proceedings for the accused. Ohio Constitution, Article I, Section 10a(A)(2). Among other enumerated rights, Marsy's Law requires victims "to be treated with fairness and respect for the victim's safety, dignity and privacy." *State v. Beach*, 2021-Ohio-4497, ¶ 10, citing Ohio Constitution, Article I, Section 10a(A)(1). The plain language of Marsy's Law exempts victims from the trial witness separation evidentiary rule. *State v. Madden,* 2025-Ohio-4891 (12th Dist.); R.C. 2930.09. Thus, while a trial court may generally order the separation of trial witnesses, Marsy's law and Evid.R. 615(B)(4) recognizes the victim witness exemption:

RULE 615. Separation and Exclusion of Witnesses.

(B) This rule does not authorize exclusion of any of the following persons from the hearing:

* * *

(4) In a criminal proceeding, a victim of the charged offense to the extent that the victim's presence is authorized by statute enacted by the General Assembly or by the Ohio Constitution. As used in this rule, "victim" has the same meaning as provided in Chapter 2930 of the Revised Code.

{¶25} When determining whether a victim witness may be present during other witness testimony, the trial court must carefully balance the defendant's right to a fair trial against the victim's constitutional and statutory right to be present. *State v. McConnaughey*, 2021-Ohio-3320, ¶ 25, quoting *Cleveland v. Alrefaei*, 2020-Ohio-5009, ¶ 57 (8th Dist.). A trial court's decision to allow a victim to remain in the courtroom during trial is reviewed under an abuse of discretion standard. *State v. Klusty,* 2015-Ohio-2843, ¶ 31 (5th Dist.), citing *State v. Maley,* 2013-Ohio-3452 (1st Dist.); *State v. Beatty,* 2026-Ohio-751, ¶ 27 (5th Dist.). An abuse of discretion is more than a mere error of law or judgment. It implies the court's decision was arbitrary, unreasonable, or unconscionable. *State v. Pickett,* 20l6-Ohio-4593, ¶ 15 (4th Dist.). Appellate review is deferential and does not permit the appellate court to substitute its judgment for that of the trial court. *State v. Darmond*, 2013-Ohio-966, ¶ 23.

{¶26} Indeed, Appellant must establish that the presence of TR during a portion of LR's testimony compromised Appellant's right to a fair trial, as opposed to vague assertions or generalized claims of prejudice. *Klusty, supra*. Stated differently, Appellant must present

particularized evidence that TR's testimony was so affected by her presence during LR's testimony that his right to a fair trial was violated. *State v. Hess*, 2025-Ohio-5881 (12th Dist.).

{¶27} Here, prior to jury selection, the State gave notice to the trial court that the victims intended to exercise their right to be present. A discussion was had between the State, defense counsel, and the trial judge. The trial court agreed that whenever a victim was going to be present prior to their own testimony, the court would instruct the victim regarding the consequences of discussing the matter with anyone else. In allowing TR to remain in the courtroom during a portion of LR's testimony, the trial court stated:

> Ultimately, it is definitely a balancing act here. We have alleged victims here that are entitled [to be present] pursuant to Marsy's law. We also have the Defendant, Mr. Vance who is entitled to protections as well. I just want to make sure we have an understanding here and that we are aware of what is happening and going to know who is going to be in and out. Just when people start coming in and out of this courtroom, we may not be able to track that. So I want to know which witnesses may appear to view and to do that, names of the potential witnesses that are going to come in. Right now it has been represented to this Court that [TR] is the only one.
>
> Tr. p. 15.

{¶28} As an individual victim of some of Appellant's actions, TR had a constitutional and statutory right to be present during the trial unless her exclusion was necessary to protect Appellant's right to a fair trial. Appellant fails to demonstrate any particularized evidence that his right to a fair trial was impacted by TR remaining during a portion of LR's testimony. TR was present during the events on February 11, 2024, and fully experienced the situation.

In turn, TR offered testimony based on those personal observations and experiences. Defense counsel fully cross-examined TR. There is nothing to suggest TR's testimony was influenced in any manner by observing a portion of LR's testimony or that Appellant's trial was in fact prejudiced. Indeed, the State presented overwhelming evidence against Appellant.

{¶29} Video footage placed Appellant at or near both crime scenes; multiple witnesses placed Appellant at LR's sister's home, including law enforcement and their body worn cameras; and the surveillance cameras from the school regarding the crimes committed by Appellant earlier in the day when Appellant was making threats against LR. Multiple witnesses confirmed that Appellant entered JC's home without permission and with numerous individuals present all while brandishing a gun and basically terrorizing LR and others. Appellant's own testimony supported the State's case against him. Appellant's mere assertions that allowing TR to remain in the courtroom prejudiced him and his right to a fair trial is simply insufficient to demonstrate error. As such, Appellant's first assignment of error is overruled.

2) Sufficiency of the Evidence Related to Kidnapping Counts

{¶30} In the second assignment of error, Appellant argues that because he did not intend to kidnap or harm any of the alleged victims, the State presented insufficient evidence that Appellant acted knowingly under R.C. 2905.01(B)(2).[2] We disagree.

{¶31} Essentially, "sufficiency is a test of adequacy," that challenges whether the state's evidence has created an issue for the jury to decide regarding each element of the offense. *State v. Thompkins,* 78 Ohio St.3d 380, 386 (1997). The test for sufficiency of the

[2]Counts Nineteen, Twenty, Twenty-One, Twenty-Two, Twenty-Three, Twenty-Four, Twenty-Five, Twenty-Six and Twenty-Seven.

evidence is "whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt." *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus, *superseded by constitutional amendment on other grounds as stated in State v. Smith*, 80 Ohio St.3d 89, 102 (1997), fn. 4; *State v. Worley,* 2021-Ohio-2207, ¶ 57.

{¶32} A sufficiency-of-the-evidence challenge asks whether the evidence is "legally sufficient to support the jury verdict as a matter of law." *State v. Lang*, 2011-Ohio-4215, ¶ 219; *State v. Vinson*, 2004-Ohio-1568 (5th Dist.) ("On review for sufficiency, a reviewing court is to examine the evidence at trial to determine whether such evidence, if believed, would support a conviction.") The test for the sufficiency of the evidence involves a question of law for resolution by the appellate court. *State v. Walker,* 2016-Ohio-8295, ¶ 30; *State v. Jordan,* 2023-Ohio-3800. "This naturally entails a review of the elements of the charged offense and a review of the state's evidence." *State v. Richardson,* 2016-Ohio-8448, ¶ 13.

{¶33} Here, Appellant was charged with nine counts of kidnapping under R.C. 2905.01(B)(2). That section provides:

> (B) No person, by force, threat, or deception, or, in the case of a victim under the age of thirteen or mentally incompetent, by any means, shall knowingly do any of the following, under circumstances that create a substantial risk of serious physical harm to the victim or, in the case of a minor victim, under circumstances that either create a substantial risk of serious physical harm to the victim or cause physical harm to the victim:
>
> * * *
>
> (2) Restrain another of the other person's liberty.

{¶34} Kidnapping under this section is in essence knowingly removing, restraining or holding an individual by force, threat or deception. *State v. Tapia*, 2002 Ohio App. LEXIS 342, *13; *State v. Ozevin*, 2013-Ohio-1386, ¶ 12 (12th Dist.). In turn, R.C. 2901.22(B) defines "knowingly" as follows:

> A person acts knowingly, *regardless of purpose,* when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. *A person has knowledge of circumstances when the person is aware that such circumstances probably exist.* When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.

Unlike the higher degree of culpability, "knowingly" does not require the specific intent to commit the crime, meaning culpability may be inferred from the voluntary performance of the act itself regardless of the purpose in doing the act. *State v. Carroll*, 2007-Ohio-7075, ¶ 127 (12th Dist.). As such, intent may be determined from the surrounding facts and circumstances. *State* v. *Robinson,* 161 Ohio St. 213 (1954), paragraph five of the syllabus.

{¶35} Appellant testified "I looked through the window * * * I saw them all in there being happy and being a family * * * and I hear [LR's] voice and that just shoots it all through me all over again, all the shit that she had done to me and how I am just-I didn't have nothing * * * I racked a round in the gun * * * I had it in my hand." Tr. pp. 1759-1760. Appellant thereafter knowingly invaded the home with many individuals present, both adults and minors. Appellant entered the home uninvited, through the only door with outside access to the residence other than the garage, closed the door behind him, and brandished his gun as

he ordered all the individuals present to relinquish their phones. This is the very type of restraint on liberty contemplated by the kidnapping statute. At all times while Appellant was waving his gun, he had ultimate control over everyone in the home.

{¶36} In support of his argument that he did not "knowingly" kidnap certain individuals (including the children), Appellant cites the following testimony: "I said, fuck, there is kids here. And I know the cops are rolling and I know they are not coming to play the fuck around with anybody." Tr. p. 1764. Appellant testified, "I said, Get the kids out of here." *Id.* When questioned whether the kids got out, Appellant said yes and further testified that he told the adults to go as well. Tr. p. 1765.

{¶37} Contrary to Appellant's position, his testimony establishes that he in fact kidnapped the four adults and the five minors, controlling their actions and liberty with his words and actions. The adults testified they begged Appellant to think of his own child and pleaded with him not to act and that there was another way. He testified to how all four victims begged him "(y)ou don't have to do this Jareth. Don't do this." After some time, Appellant ultimately did not want to harm the children further, so he decided to let them leave after they had locked themselves in a room down the hallway to avoid being harmed. Appellant acknowledged that he was in control of the individuals' liberty when he decided to let them exit. Upon the children's exit, Appellant told them to say goodbye to their mother/aunt. Appellant was in control of the entire situation, and he knew he was in control.

{¶38} As stated, a person acts "knowingly" regardless of purpose when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. Appellant knowingly entered the home with a gun <u>despite</u> seeing the children and other adults through the window. Thus, the consequences were foreseeable because what

transpired was within the scope of the risk created by Appellant's conduct. Accordingly, Appellant's convictions for nine counts of kidnapping were supported by sufficient evidence. The second assignment of error is overruled.

3) Ineffective assistance of counsel

{¶39} In his third assignment of error, Appellant claims counsel was ineffective because defense counsel did not object to Appellant's sentence at the sentencing hearing. Again, we disagree. A failure to make an objection is not sufficient by itself to sustain a claim of ineffective assistance of counsel. *State v. Conway*, 2006-Ohio-2815, ¶ 103 (6th Dist.)

{¶40} A claim of ineffective assistance requires a two-prong analysis. The first inquiry is whether counsel's performance fell below an objective standard of reasonable representation involving a substantial violation of any of defense counsel's essential duties to appellant. *Strickland v. Washington*, 466 U.S. 668 (1984) and *Mansfield v. Studer*, 2012-Ohio-4840 (5th Dist.). The second prong is whether the appellant was prejudiced by counsel's ineffectiveness. *Id.* at ¶¶ 48-51. To warrant a finding that trial counsel was ineffective, the petitioner must meet both the deficient performance and the prejudice prongs. *Id.*

{¶41} To show deficient performance, appellant must establish that "counsel's representation fell below an objective standard of reasonableness." *Strickland*, at 688. This requires showing that counsel made errors so serious that counsel was not functioning as the "counsel" guaranteed the defendant in the Sixth Amendment. *Id.* at 687. Thus, a court deciding an actual ineffectiveness claim must judge the reasonableness of counsel's challenged conduct on the facts of the case, viewed as of the time of counsel's conduct. *Id.* at 689.

{¶42} Due to the "variety of circumstances faced by defense counsel [and] the range of legitimate decisions regarding how best to represent a criminal defendant," the

performance inquiry necessarily turns on "whether counsel's assistance was reasonable considering all the circumstances." *Strickland*, at 689. At all points, "[j]udicial scrutiny of counsel's performance must be highly deferential." *Id.* Strategic or tactical decisions will not form the basis for a claim of ineffective assistance of counsel. *Id.* at 689; *State v. Clayton*, 62 Ohio St.2d 45, 48-49 (1980); *State v. Mason*, 82 Ohio St.3d 144, 157-58 (1998) (stating that an appellate court may not second guess a trial counsel's strategy decisions). The second prong requires a defendant to demonstrate in fact that counsel's actions prejudiced the defendant. In other words, there must be a reasonable probability that but for counsel's errors, the result of the proceedings would have been different. *Strickland*, at 691-696; *Studer*, ¶ 61.

{¶43} Appellant simply fails to meet the above *Strickland* standard. Even if counsel objected, there is nothing to demonstrate the sentence would have been any different. Appellant's arguments are speculative and conclusory. There is simply no reasonable probability that the outcome would be different. Appellant's third assignment of error is overruled.

4) Consecutive sentences

{¶44} In the fourth assignment of error, Appellant argues "[t]he trial court's imposition of consecutive sentences on Appellant was contrary to law and constituted plain error, as it was grossly disproportionate and a violation of Appellant's right against cruel and unusual punishment under the Eighth and Fourteenth Amendments to the United States Constitution and Article I, Section 9 of the Ohio Constitution." Appellant's Brief pp. 16-17. Again, we disagree.

{¶45} The appropriate standard of review on appeals challenging a sentence is set forth in R.C. 2953.08(G)(2). *State v. Bonnell,* 2014-Ohio-3177, ¶ 9. An appellate court may

vacate a sentence and/or remand a matter to the trial court when a sentence does not comport with sentencing statutes, or when the sentence is otherwise contrary to law. *State v. Williams*, 2024-Ohio-2078, ¶ 17 (5th Dist.).

{¶46} The primary goals of felony sentencing are to protect the public from future crime, punish the offender, and promote rehabilitation. R.C. 2929.11(A). Sentences must be reasonably calculated to achieve these purposes. R.C. 2929.11(B). A felony sentence should be proportionate to the severity of the offense committed so as not to "shock the sense of justice in the community." *State v. Chaffin*, 30 Ohio St.2d 13, 17 (1972); R.C. 2929.11(B). A defendant alleging disproportionality in felony sentencing has the burden of producing evidence to "indicate that his sentence is directly disproportionate to sentences given to other offenders with similar records who have committed these offenses * * *." *State v. Ewert*, 2012-Ohio-2671, ¶ 33 (5th Dist.), citing *State v. Breeden*, 2005-Ohio-510, ¶ 81 (8th Dist.); *State v. Kirk*, 2023-Ohio-2702, ¶ 20 (5th Dist.); *State v. Starcher*, 2015-Ohio-5250, ¶ 38 (5th Dist.).

{¶47} "A sentence is not clearly and convincingly contrary to law where the trial court 'considers the principles and purposes of R.C. 2929.11, as well as the factors listed in R.C. 2929.12, properly imposes post release control, and sentences the defendant within the permissible statutory range.'" *State v. Padilla*, 2023-Ohio-1995, ¶ 13 (5th Dist.), quoting *State v. Dinka*, 2019-Ohio-4209, ¶ 36 (12th Dist.); *State v. Delong*, 2025-Ohio-534 (5th Dist.); *State* v. *Prater,* 2026-Ohio-438, ¶ 33 (5th Dist.) (reiterating that "a sentence that falls within the terms of a valid statute cannot amount to a cruel and unusual punishment").

{¶48} Ohio law presumes that prison terms will run concurrently unless specific statutory conditions apply. R.C. 2929.41(A). One such condition is outlined in R.C. 2929.14(C)(4). Under R.C. 2929.14(C)(4), a trial court may impose consecutive sentences for

multiple offenses if it finds that doing so is necessary to protect the public or to punish the offender. *Id*. at ¶ 14. Before a trial court may impose consecutive sentences, it must make three findings: (1) that consecutive sentences are necessary to protect the public from future crime or to punish the offender; (2) 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 (3) that one of the three specific findings set forth in (a)-(c) apply. *State v. Bonnell*, 2014-Ohio-3177, ¶ 29; *State v. Carmel,* 2014-Ohio-1209, ¶ 6 (9th Dist.); *Polizzi*, at ¶ 15.

{¶49} "[A] trial court must state the required findings as part of the sentencing hearing, and by doing so it affords notice to the offender and to defense counsel." *Bonnell*, ¶ 29. And because a court speaks through its journal entries, "the court should also incorporate its statutory findings into the sentencing entry." *Bonnell,* ¶ 29, citing *State v. Brooke,* 2007-Ohio-1533, ¶ 47. Importantly, the court does not need to state reasons for the findings, the findings alone are sufficient. *State v. Willey*, 2026-Ohio-3177, ¶ 22 (5th Dist.). Further, a word-for-word recitation of the language of the statute is not required. *Bonnell*, ¶¶ 29-30.

{¶50} Importantly, appellate courts should defer to trial courts regarding sentencing decisions. *Id*. at ¶ 17. The Ohio Supreme Court recently stated:

> There are two distinct but related considerations in consecutive sentencing. First, there is the trial court's role. While not expressly required by R.C. 2929.14(C)(4), the aggregate prison term may be considered as the trial court deems appropriate as part of its proportionality analysis under the statute. Second, there is the appellate court's role. The appellate court reviews consecutive sentences under R.C. 2953.08(G)(2). This review is deferential and does not include consideration of the defendant's aggregate prison term.

State v. Polizzi, 2026-Ohio-2588, ¶ 12.

{¶51} Ohio law reflects this deference in R.C. 2953.08(G)(2), under which an appellate court may increase, reduce, or otherwise modify a sentence or vacate the sentence and remand the matter to the sentencing court for resentencing, but only if it finds that the record clearly and convincingly does not support the trial court's findings. *Id.*; R.C. 2953.08(G)(2)(a). The appellate court must find that the record does not support the trial court's *findings* under R.C. 2929.14(C), not that the appellate court would have imposed a different sentence. *Id.* The standard of review is deferential, and the appellate court may not simply substitute its judgment for that of the trial court. *Id*. ¶ 21.

{¶52} Clear and convincing evidence is that evidence "which will provide in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established." *Cross v. Ledford,* 161 Ohio St. 469 (1954), paragraph three of the syllabus. It is a firm belief that the record does not support the trial court's findings, more than a preponderance but less than beyond a reasonable doubt. *Polizzi, supra,* ¶ 18. "Where the degree of proof required to sustain an issue must be clear and convincing, a reviewing court will examine the record to determine whether the trier of facts had sufficient evidence before it to satisfy the requisite degree of proof." *Id.*

{¶53} Here, the sentencing hearing took place on August 28, 2025. At the beginning of the hearing, defense counsel stated "I would indicate to the Court that the Court heard the defense indicate in voir dire, in the case in chief, in closing that we were conceding 90 percent of the State's case in chief. And the reason we did that, is because Jareth did not want to go to trial. One of the factors indicating that - that he indicated to me in private while we were talking was the impact on the children. He did not want to harm the children. Did not want

to put them through this * * *. And as a consequence of that, that was the track that our defense took in the case was to contest only a couple of those issues while conceding the rest of the issues." Tr. p. 2048. Appellant argues that his remorse and his concession to much of the State's case should have resulted in a more favorable sentence for Appellant.

{¶54} The record overwhelmingly demonstrates the trial court thoroughly considered the factors and principles in sentencing, the seriousness and recidivism factors, and engaged in the appropriate analysis regarding proportionality. The trial court heard statements from the prosecutor, defense counsel, Appellant, Appellant's sister and aunt, and several of Appellant's victims. Further, the trial court made specific findings at the hearing pursuant to R.C. 2929.14(C)(4). Tr. p. 2093. It found consecutive sentences were not disproportionate to the crimes committed and the harm caused by two or more offenses was so great or unusual, that no single prison term for any offense would adequately reflect the seriousness of Appellant's conduct. *Id.*

{¶55} Additionally, the trial court found that Appellant committed one or more of the multiple offenses while awaiting trial or sentencing, was under a community control sanction or was under post-release control for a prior offense. Tr. pp. 2088, 2093. The trial court's statements on the record clearly indicate that the trial judge considered proportionality regarding the seriousness of Appellant's conduct and the danger he posed to the public. *Id.* As clearly set forth, "[t]he number of consecutive sentences and the total length of the aggregate prison term are not subject to appellate review." *Polizzi, supra,* ¶ 30. The trial court reiterated the consecutive sentence findings in its Sentencing Judgment Entry.

{¶56} We conclude that the sentence imposed is proportionate to Appellant's conduct, particularly given the level of Appellant's pre-meditation, and that his victims

included both law enforcement officers and children under the age of thirteen. Appellant completed steps over multiple days to execute his plan. Appellant's actions resulted in fourteen different victims – some of them children who were traumatized by these events. Two victims were shot and are lucky to be alive given that Appellant fired multiple times and engaged the SWAT team in a standoff for over 4 hours. The trial court stated:

> You terrorized several families in there. Children. You shot Officer Bailey, who could have died. You shot Miss Robinett, who could have died. You indicated that you wanted to end your life. But apparently you were trying to end other's lives. Whatever anger you have, Mr. Vance, was directed at other people. Threats were made throughout. You saw those officers in the doorway and you shot. You didn't hesitate. You pulled your gun and you shot without any contemplation of what might have happened to others there. Five young children, five young children that are going to have to live with this for the rest of their lives. * * * You terrorized these young children. I watched their testimony on this stand, shaking, crying. I saw the adults shaking and crying on this stand. They were psychologically impacted, physically hurt. And I saw you on the stand completely defiant as to what occurred and what damage you have done to these people. Even today when you start to show maybe a shred of remorse, you can't go all the way because you turn around and you blame somebody else. * * *
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> Tr. pp. 2086-87.

{¶57} While Appellant may disagree with the weight given to certain factors and disagrees with the overall sentence imposed, Appellant's sentence was within the applicable

statutory range for each offense and was not based on impermissible considerations. As the trial court told Appellant at the conclusion of the sentencing hearing, "[i]t is this Court's intention that the sentence imposed is to ensure that that never happens again." Tr. p. 2097. We must give proper deference and not substitute our judgment for that of the trial court. Because the record supports the trial court's findings regarding sentencing, including the imposition of consecutive sentences, Appellant's fourth assignment of error is overruled.

CONCLUSION

{¶58} Appellants first, second, third, and fourth assignments of error are overruled in their entirety. The judgment of the Richland County Court of Common Pleas is affirmed.

{¶59} Costs to Appellant.

By: Montgomery, J.

Hoffman, P.J. and

Baldwin, J. concur.