[Cite as *State v. Gallagher*, 2026-Ohio-4563.]

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

STATE OF OHIO, Plaintiff - Appellee -vs- CHRISTOPHER S. GALLAGHER, Defendant - Appellant	Case No. 2026CA0003 Opinion & Judgment Entry Appeal from the Court of Common Pleas of Coshocton County, Case No. 2026CR0003 Judgment: Affirmed Date of Judgment: November 18, 2026

BEFORE: William B. Hoffman, Robert G. Montgomery, and David M. Gormley, Judges

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

Gormley, J.

{¶1} Defendant Christopher Gallagher argues that he was sentenced too harshly after he pled guilty to a pair of felony charges. Yet because the trial judge imposed sentences permitted by Ohio law, and because the judge appears to have considered the necessary sentencing factors, we affirm the judgment in Gallagher's case.

The Key Facts

{¶2} Gallagher pled guilty to two fourth-degree-felony charges: vehicular assault and failure to stop after a crash. At Gallagher's sentencing hearing, the trial judge mentioned some information about Gallagher's crimes and past conduct that the judge had gleaned from a presentence report in the case. The judge at that hearing — after giving counsel for both parties as well as Gallagher himself a chance to speak — also mentioned some of the R.C. 2929.12 recidivism and seriousness factors that appeared to apply to the case. Gallagher's

sentence, the judge then announced, would be a 17-month prison term on each of the two F4 charges, with those sentences to be served consecutively. The judge explained, too, the findings he had made under R.C. 2929.14(C)(4) that the judge believed made consecutive service of the prison terms both necessary and appropriate. Gallagher now appeals.

We See No Error in Gallagher's Sentence

{¶3} Gallagher's sole assignment of error attacks the trial court's sentencing decision, arguing that an aggregate sentence of 34 months in prison was more severe than he deserved. He now urges us to reweigh for ourselves the R.C. 2929.11 factors (explaining the overriding purposes of felony sentencing) and the R.C. 2929.12 factors (calling for trial courts to consider certain seriousness and recidivism factors).

{¶4} Yet our role as a reviewing court precludes that kind of start-from-scratch approach. Instead, we may "increase, reduce, or otherwise modify" a felony sentence — or remand the case so the trial court can shoulder those duties — if and only if "clear[] and convincing[]" evidence indicates either that the trial court's sentencing-related findings were not supported by the record or that the sentence was "otherwise contrary to law." R.C. 2953.08(G)(2).

{¶5} And that language in R.C. 2953.08(G)(2)(a) permitting appellate courts to examine whether "the record does not support" a trial court's findings does not encompass findings made under the R.C. 2929.11 purposes-of-sentencing provision or the R.C. 2929.12 seriousness-and-recidivism-factors provision. *See State v. Bryant*, 2022-Ohio-1878, ¶ 21. We therefore are not permitted to overturn or alter a sentence "based on the lack of support in the record for the trial court's findings under R.C. 2929.11 and 2929.12." *State v. Jones*, 2020-

Ohio-6729, ¶ 29. See also *State v. Hammonds*, 2026-Ohio-2295, ¶ 8 (5th Dist.); *State v. Avery*, 2026-Ohio-2783, ¶ 7 (5th Dist.).

{¶6} That limit in R.C. 2953.08(G)(2)(a) on our authority to second-guess trial judges' findings bars us from embracing the argument that Gallagher makes, for he is in fact asking us to reweigh the R.C. 2929.11 and 2929.12 factors and to substitute our judgment for that of the trial judge. We have repeatedly rejected similar arguments. *See, e.g., State v. Williams*, 2026-Ohio-3483, ¶ 8 (5th Dist.); *Hammonds* at ¶ 9, 22.

{¶7} As for R.C. 2953.08(G)(2)(b)'s contrary-to-law inquiry, nothing about the sentence imposed in Gallagher's case can rightly be described as contrary to law. The 17-month prison terms for each of the two F4 charges were not at odds with R.C. 2929.14(A)(4)'s prison-term range for F4 offenses, and the trial judge dutifully announced a sentence for each offense before stating the R.C. 2929.14(C)(4) findings that the judge needed to make in order to impose the prison terms consecutively. The judge noted, too, at the sentencing hearing (and in the sentencing entry that followed) that he had considered the presentence report, the statements of the parties, the principles and purposes of sentencing under R.C. 2929.11, and the seriousness and recidivism factors under R.C. 2929.12. Nothing more was required. *See State v. Mullins*, 2026-Ohio-2399, ¶ 24 (5th Dist.) (a sentence was not contrary to law where the trial judge had made similar statements and had made similar consecutive-sentence findings after imposing within-range prison terms in a felony case); *Hammonds* at ¶ 15 (a trial court need not "'state its reasons . . . for imposing a particular sentence within the statutory range'"), quoting *State v. Webb*, 2019-Ohio-4195, ¶ 17 (5th Dist.).

{¶8} Because the trial judge complied with the applicable sentencing statutes, we have no authority to undo Gallagher's prison terms now.

{¶9} For these reasons, the judgment of the Court of Common Pleas of Coshocton County is affirmed. Costs are to be paid by Appellant Christopher Gallagher.

By: Gormley, J.;

Hoffman, J. and

Montgomery, J. concur.