

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-26-00012

Appellee

Trial Court No. CR02025-01061

v.

October Selfcare

DECISION AND JUDGMENT

Appellant

Decided: September 15, 2026

* * * * *

Julia R. Bates, Prosecuting Attorney and
Randy L. Meyer, Assistant Prosecuting Attorney, for appellee.

Tyler Naud Jechura, for appellant.

* * * * *

ZMUDA, J.

I. Introduction

{¶ 1} Appellant, October SelfCare, appeals the December 12, 2025 judgment of the Lucas County Court of Common Pleas convicting him of one count of unauthorized use of a vehicle and sentencing him to 180 days in the Corrections Center of Northwest of Ohio, which the court suspended, and a two-year period of community control. For the reasons that follow, the trial court’s judgment is affirmed.

II. Facts and Procedural History

{¶ 2} On August 11, 2025, appellant was indicted by a grand jury in the Lucas County Court of Common Pleas on one count of unauthorized use of a vehicle in violation of R.C. 2913.03(B) and 2913.03(D)(3), a fifth-degree felony (count 1). The charge stemmed from appellant's use of a rental vehicle.

{¶ 3} Appellant initially pled not guilty to the charge in the indictment, but he eventually entered into a plea agreement under which appellant agreed to plead guilty to a lesser-included offense. At the October 23, 2025 plea hearing, appellant pleaded guilty to unauthorized use of a vehicle in violation of R.C. 2913.03(A) and (D)(2), a first-degree misdemeanor, after the trial court engaged in a plea colloquy pursuant to Crim.R. 11. After accepting appellant's plea, the trial court found appellant guilty, ordered a presentence investigation (PSI), and scheduled a sentencing hearing.

{¶ 4} According to the PSI, appellant has a history of criminal offenses and no verifiable employment at the time the investigation occurred. During his interview with the probation officer, appellant explained that he had not returned the vehicle or paid the rental fees in part because of fairly severe ongoing mental health issues resulting from significant events in his personal life. Appellant also said that he had no mental health provider and was not undergoing mental health treatment at the time, and he expressed a need for counseling.

{¶ 5} On December 11, 2025, appellant appeared before the trial court for sentencing. The following exchange occurred regarding mitigation and restitution:

[DEFENDANT'S COUNSEL]: Your Honor, in mitigation, [appellant] did have a third party paying the rental company. There appeared to have been some dispute about the payments. As [appellant] was not the individual contracted with the rental company, he wasn't necessarily getting those notices. The car has been returned. It was not damaged in any particular way. I believe the restitution amount is for what [the rental car company] believe is outstanding payments that put it into delinquency, causing it to be reported as stolen. My client did serve two days, Your Honor, in custody. Has really limited criminal history and I believe if he is allowed to remain out in the community he will work toward his (inaudible) responsibility as well as maintain his mental health (inaudible), Your Honor, (inaudible.)

THE COURT: An agreement as to restitution?

[DEFENDANT'S COUNSEL]: Unfortunately, yes, Your Honor.

THE COURT: Pardon?

[DEFENDANT'S COUNSEL]: Unfortunately, yes, Your Honor.

THE COURT: Well, hold on a minute. While I show \$1,193.64 to [the rental car company] – is that accurate? That is as reported by the [rental car company]. Counsel like to approach?

[DEFENDANT'S COUNSEL] Yes, Your Honor.

(Bench discussion held, off the record.)

THE COURT: [Appellant], we were talking about restitution. It appears that restitution has been handled in some other way so that won't be an issue here.

{¶ 6} Next, appellant spoke on his own behalf, as follows:

I don't believe I need mental health or probation. I think everything has settled. It was just a mishap. Me doing extra stuff that I don't have nothing to go with the vehicle or whatever I think is a waste of my time personally. No disrespect.

Appellant's counsel explained that appellant was already undergoing counseling at his own instigation and wanted to ensure that he had flexibility to seek out his own providers and determine the frequency of the treatment.

{¶ 7} After stating that it had considered the factors in R.C. 2929.11 and 2929.12, the trial court sentenced appellant to 180 days in Corrections Center of Northwest Ohio, which the court suspended, and two years of community control under the supervision of the Lucas County Adult Probation Department with several conditions, including undergoing mental health treatment with his own provider, maintaining employment, taking all prescribed medications, and refraining from the use of drugs, alcohol, or marijuana.

{¶ 8} On December 12, 2025 the court issued a judgment entry reflecting its findings and the sentence imposed at the sentencing hearing.

III. Assignment of Error

{¶ 9} On appeal, appellant asserts the following assignment of error for our review:

The sentence imposed by the trial court was clearly excessive.

IV. Law and Analysis

{¶ 10} Appellant was convicted of a first-degree misdemeanor. We review a misdemeanor sentence for an abuse of discretion. *State/Division of Wildlife v. Coll*, 2017-Ohio-7270, ¶ 23 (6th Dist.), citing *State v. Cossack*, 2009-Ohio-3327, ¶ 20 (7th Dist.). An abuse of discretion occurs when the trial court's attitude is unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1993).

{¶ 11} “When sentencing an offender for a misdemeanor offense, a trial court must consider the principles and purposes of sentencing under R.C. 2929.21, as well as

the sentencing factors under R.C. 2929.22, and the failure to do so constitutes an abuse of discretion.” *State v. Rush*, 2013-Ohio-727, ¶ 8 (6th Dist.), citing *State v. Dominijanni*, 2003-Ohio-792, ¶ 6 (6th Dist.). Notably, the principles and purposes for felony sentencing, set forth in R.C. 2929.11 and 2929.12, are substantially similar to those for misdemeanor sentencing, and a trial court does not abuse its discretion in considering the factors in R.C. 2929.11 and 2929.12 rather than R.C. 2929.21 and 2929.22 in imposing a sentence for a misdemeanor offense if the sentence is within the statutory guidelines for the offense. *State v. Inman*, 2021-Ohio-1573, ¶ 8 (4th Dist.). Indeed, “when a misdemeanor sentence is imposed within the statutory limits, a reviewing court will presume that the judge followed the statutes, absent evidence to the contrary.” *State v. Stubbs*, 2022-Ohio-2910, ¶ 11 (6th Dist.), quoting *State v. Ostrander*, 2011-Ohio-3495, ¶ 28 (6th Dist.), citing *Toledo v. Reasonover*, 5 Ohio St.2d 22 (1965), paragraph one of the syllabus.

{¶ 12} For a first-degree misdemeanor, the trial court could have imposed up to 180 days of jail time. R.C. 2929.24(A)(1). A trial court may also sentence an offender convicted of a first-degree misdemeanor to community control for a period not to exceed five years. R.C. 2929.15(A)(1). Accordingly, appellant’s sentence was within the statutory guidelines and we must presume that the trial court properly imposed the sentence.

{¶ 13} Appellant contends that because he paid restitution to the rental car company, the trial court abused its discretion in imposing two years of community control. However, appellant had a history of criminal offenses, appellant himself

attributed his actions in committing the offense to his own significant mental health issues, and appellant expressed little remorse for his actions—characterizing the incident as a “mishap”—during his sentencing hearing. Accordingly, appellant has not established and the record is devoid of any evidence that the trial court abused its discretion in imposing two years of community control, and appellant’s assignment of error is not well-taken.

V. Conclusion

{¶ 14} Appellant’s assignment of error is found not well-taken. We affirm the December 12, 2025 judgment of the Lucas County Court of Common Pleas. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. *See also* 6th Dist.Loc.App.R. 4.

Thomas J. Osowik, P.J.

JUDGE

Gene A. Zmuda, J.

JUDGE

Myron C. Duhart, J.

CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio’s Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court’s web site at:
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