

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

State of Ohio

Court of Appeals No. WD-25-080

Appellee

Trial Court No. 2024CR0191

v.

Charles Griffith

DECISION AND JUDGMENT

Appellant

Decided: October 16, 2026

* * * * *

Paul A. Dobson, Prosecuting Attorney,
Kristofer A. Kristofferson, Assistant Prosecuting Attorney, and
Madison A. Lee, Certified Legal Intern, for appellee.

Michael A. Stahl, for appellant.

* * * * *

MAYLE, J.

{¶ 1} Appellant, Charles Griffith, appeals the December 16, 2024 judgment of the Wood County Court of Common Pleas convicting him of multiple offenses and sentencing him to an aggregate term of 30 years in prison. For the following reasons, we affirm.

I. Background

{¶ 2} Griffith was indicted on ten counts of sexual battery in violation of R.C. 2907.03(A)(5), each a third-degree felony, and one count of disseminating matter harmful to juveniles in violation of R.C. 2907.31(A)(1), a fifth-degree felony. Each of the sexual battery charges included a sexually violent predator specification under R.C. 2941.148(A).

{¶ 3} Griffith and the State reached an agreement under which Griffith agreed to plead guilty to six of the sexual battery charges, and the State agreed to request dismissal of the disseminating charge and the specifications at sentencing. The parties jointly recommended a 30-year prison sentence to the trial court.

{¶ 4} The trial court conducted a plea colloquy, and concluded that Griffith had made a knowing, intelligent, and voluntary decision to plead guilty to the charges. The court found Griffith guilty of six counts of sexual battery.

{¶ 5} At the sentencing hearing, after hearing statements from the victim, the State, defense counsel, and Griffith, the court imposed a prison term of 60 months on each count, to be served consecutively, for an aggregate, agreed-upon sentence of 30 years. In sentencing Griffith, the court stated,

On Counts 1, 2, 3, 4, 5 and 6 of the indictment, sexual battery, felonies of the third degree, the Court will impose the maximum of 60 months. Each of those sentences is to be imposed consecutively. That's following the joint recommendation of the State and Defendant. Additionally, because it is discretionary, the Court will make the following findings: That consecutive sentences are necessary to protect the public from future crimes and to punish Mr. Griffith, and that consecutive sentences are not disproportionate to the seriousness of his conduct and the danger he poses to the public, and that two or more offenses were

committed as part of a course of conduct of harm that was so great or unusual that no single term adequately reflects the seriousness. So the total term is five years times six counts, total of 30 years.

{¶ 6} In its sentencing entry, the trial court imposed five-year prison terms for each conviction, to be served consecutively, for an aggregate sentence of 30 years.

Regarding consecutive sentences, the court said,

The Court has determined the following factors set forth in 2929.14 of the Revised Code are present and that consecutive service is 1) necessary to protect the public from the future crime or to punish the offender, 2) not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and 3) at least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct; the offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

{¶ 7} Griffith now appeals, raising the following assignment of error:

The trial court erred in imposing consecutive sentences upon Mr. Griffith without considering the aggregate length of the consecutive sentences that it imposed[.]

II. Law and Analysis

{¶ 8} In his assignment of error, Griffith argues that the trial court erred by sentencing him to consecutive sentences because the court failed to consider the aggregate length of the sentences that it imposed.

{¶ 9} We review felony sentencing challenges under R.C. 2953.08(G)(2). *See State v. Kleinhans*, 2023-Ohio-2621, ¶ 24 (6th Dist.). Under that statute, an appellate court “may increase, reduce, or otherwise modify a sentence that is appealed under this

section or may vacate the sentence and remand the matter to the sentencing court for resentencing” only if it clearly and convincingly finds either of the following:

(a) That the record does not support the sentencing court’s findings under division (B) or (D) of section 2929.13, division (B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code, whichever, if any, is relevant;

(b) That the sentence is otherwise contrary to law.

R.C. 2953.08(G)(2).

{¶ 10} Griffith challenges the trial court’s imposition of consecutive sentences under R.C. 2929.14(C)(4). Under that section, when a trial court imposes multiple prison terms for convictions of multiple offenses, it may require the offender to serve the prison terms consecutively if it finds that “consecutive service is necessary to protect the public from future crime or to punish the offender and 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 if it also finds any of the following:

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

(b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender’s conduct.

(c) The offender’s history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

{¶ 11} Thus, this statute requires the trial court to make three statutory findings before imposing consecutive sentences. *State v. Beasley*, 2018-Ohio-493, ¶ 252; *State v. Bonnell*, 2014-Ohio-3177, ¶ 26. It must find that (1) consecutive sentences are necessary to protect the public or to punish the offender; (2) consecutive sentences are not disproportionate to the seriousness of the offender’s conduct and to the danger that the offender poses to the public; and (3) R.C. 2929.14(C)(4)(a), (b), or (c) is applicable. *Beasley* at ¶ 252. “[T]he trial court must make the requisite findings *both* at the sentencing hearing and in the sentencing entry.” (Emphasis in original.) *Id.* at ¶ 253, citing *Bonnell* at ¶ 37.

{¶ 12} Here, Griffith does not argue that the trial court failed to make the required statutory findings at the sentencing hearing or in the sentencing entries. Rather, he claims that his consecutive sentences should be vacated because—although the trial court made the proper R.C. 2929.14(C)(4) findings—the trial court did not consider the aggregate length of the sentence that it imposed.

{¶ 13} The Ohio Supreme Court recently settled this issue in *State v. Polizzi*, 2026-Ohio-2588. There, the court definitively determined that appellate review of consecutive sentences “does not include consideration of the defendant’s aggregate prison term.” *Id.* at ¶ 12. As the court explained,

On appeal, review is deferential and limited by the appellate-review statute: the appellate court may examine whether the trial court’s findings supporting consecutive sentences are clearly and convincingly unsupported by the record, R.C. 2953.08(G)(2)(a), and may also examine whether the sentence is “otherwise contrary to law,” R.C. 2953.08(G)(2)(b). *The number of consecutive sentences and the total length of the aggregate prison term are not subject to appellate review.*

(Emphasis added.) *Id.* at ¶ 30.

{¶ 14} Griffith only asks us to find that the trial court erred in failing to take the aggregate length of his sentence into account. *Polizzi* prevents us from doing so. We therefore find that Griffith’s assignment of error is not well-taken.

III. Conclusion

{¶ 15} Based on the foregoing, the December 16, 2024 judgment of the Wood County Court of Common Pleas is affirmed. Griffith is ordered to pay the costs of this appeal under 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

Christine E. Mayle, 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:
<http://www.supremecourt.ohio.gov/ROD/docs/>.