

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

State of Ohio

Court of Appeals No. {48}L-25-00305

Appellee

Trial Court No. CR020250652

v.

Marcel Huggins

DECISION AND JUDGMENT

Appellant

Decided: October 23, 2026

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and
Brenda J. Majdalani, Assistant Prosecuting Attorney, for appellee.

Mark I. Jacobs, for appellant.

* * * * *

MAYLE, J.

{¶ 1} Appellant, Marcel Huggins, appeals the November 18, 2025 judgment of the Lucas County Court of Common Pleas sentencing him following his conviction of OVI. For the following reasons, we affirm.

I. Background and Facts

{¶ 2} Huggins was indicted on two counts of operating a vehicle under the influence of alcohol, one in violation of R.C. 4511.19(A)(1)(a) and one in violation of R.C. 4511.19(A)(1)(i), each a fourth-degree felony.

{¶ 3} Huggins and the State reached an agreement under which Huggins agreed to plead guilty to an amended charge of attempted OVI in violation of R.C.

4511.19(A)(1)(a) and 2923.02, a fifth-degree felony, and would forfeit his vehicle. In exchange, the State agreed to dismiss the second count at sentencing.

{¶ 4} The trial court conducted a plea colloquy, and concluded that Huggins had made a knowing, intelligent, and voluntary decision to plead guilty to the charge. The court found Huggins guilty.

{¶ 5} At the sentencing hearing, after hearing statements from the State, defense counsel, and Huggins, the court first said to Huggins,

the thing that upset a little bit in your PSI report is just—and maybe it’s just something people automatically do and try to downplay a little bit when talking to the PSI. It says you currently have no problem, and I guess maybe I would think after everything you’ve been through and all the classes and—and I’m going to say you’re on your fifth DUI. You’ve been given—told to do treatment before, that you know that you’ll always have a problem. Like you’re going to have a problem for the rest of your life. You—an alcoholic is an alcoholic for the rest of their life, it doesn’t change, and so the question is not whether you have a problem right now, it’s whether that problem is currently under control, right?

...

So here’s—you know, I really don’t think jail—it sounds like you’re doing a lot of good things. Here—here is my biggest problem is that—and I will tell you it’s interesting that you talk about your mother. I’m—I’m actively taking care of a mother with dementia and it takes up most of my time, and it’s vascular, and she’s going to go, you know—I mean, so I understand that. It’s the way we deal with things that are the most important that, you know, is part of all of this, but five DUI in 15 years, five. And this one you crashed.

{¶ 6} The court sentenced Huggins to four years of community control after explaining that “pursuant to 2929.13(D), a non-prison sanction does not demean the

seriousness of the offense, will adequately punish the defendant and protect the public. Factors decreasing seriousness outweigh those increasing seriousness and there's less likelihood of recidivism."

{¶ 7} The court then addressed the required driver's license suspension, saying,

And here's where I had to make a tough decision: So it's three years to life for this—this license suspension, and three years is less—I mean, I'm not—three years is less than the DUIs you've accumulated in 15 years, so then I thought about ten years or 20 years. And to be honest—I mean, I guess giving you life—I'm going to impose a life imposition. I know—no, I don't know—well, I do know because my mom's going through it because she can't drive right and all she does is holler about the fact that she's not driving but—so I understand that, but I can't be the judge that gives you that license back and you fall off the wagon again and somebody dies because of this so that's what I have to do.

The court accordingly imposed a lifetime driver's license suspension on Huggins.

{¶ 8} Huggins now appeals, raising three assignments of error:

ASSIGNMENT OF ERROR, NUMBER 1:

The Trial Court abused its discretion by imposing a lifetime license suspension as the penalty is excessive in light of all of the circumstances surrounding this case. Further, the Trial Court Judge's personal experience, which she repeatedly referenced during the sentencing colloquy with the Defendant, shaded her judgment and allowed impermissible factors to influence the Court's judgment in determining the sentence. Therefore, the lifetime license suspension portion of the sentence should be overturned and modified by this Court, or in the alternative, this matter should be sent back to the Trial Court for resentencing concerning the license suspension.

ASSIGNMENT OF ERROR NUMBER 2:

The Judge utilized prohibited factors, including her own personal circumstance and that of her close relative, her mother, in formulating a sentence, considering factors when arriving at a sentence. Consideration of those factors is not fair or appropriate and violates the law in the State of Ohio. Therefore, the lifetime license suspension portion of the sentence should be overturned and modified by this Court, or in the alternative, this

matter should be sent back to the Trial Court for resentencing concerning the license suspension.

ASSIGNMENT OF ERROR, NUMBER 3:

The Court fails to take into account, and does not mention in her sentencing conversation with the Appellant, the Appellant's counseling and 18 month (at that time) participation in the New Concepts program, which is a material point that provides assurance that the Appellant is on the road to recovery. Therefore, the lifetime license suspension portion of the sentence should be overturned and modified by this Court, or in the alternative, this matter should be sent back to the Trial Court for resentencing concerning the license suspension.

II. Law and Analysis

A. The trial court's license suspension is not contrary to law.

{¶ 9} In his first assignment of error, Huggins argues that the trial court erred by imposing a lifetime license suspension because the court misunderstood the statement in the PSI that Huggins did not have an alcohol problem, failed to address or consider the hardship a lifetime license suspension would impose on Huggins, and seemingly ignored both the treatment that Huggins had been receiving for 18 months before sentencing and his sobriety since the underlying incident. He contends that a lifetime license suspension was excessive and an abuse of discretion. The State responds that a lifetime suspension was within the permissible range of sanctions for Huggins's conviction and the suspension was neither excessive nor an abuse of discretion under the circumstances.

{¶ 10} 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). Notably, our “standard for review is not whether the sentencing court abused its discretion.” R.C. 2953.08(G).

{¶ 11} “A sentence is not clearly and convincingly contrary to law where the trial court has considered the purposes and principles of sentencing under R.C. 2929.11 and the seriousness and recidivism factors under R.C. 2929.12, properly applied postrelease control, and imposed a sentence within the statutory range.” *State v. Gipson*, 2022-Ohio-2069, ¶ 25 (6th Dist.), citing *State v. Tammerine*, 2014-Ohio-425, ¶ 15-16 (6th Dist.), and *State v. Kalish*, 2008-Ohio-4912. The phrase “otherwise contrary to law” simply means “in violation of statute or legal regulations at a given time.” *State v. Bryant*, 2022-Ohio-1878, ¶ 22, quoting *State v. Jones*, 2020-Ohio-6729, ¶ 34.

{¶ 12} Here, the trial court’s imposition of a lifetime license suspension is not contrary to law. The court was statutorily authorized to impose a suspension of three years to life, so its sentence was in the statutory range. R.C. 4511.19(G)(1)(d)(iv); R.C. 4510.02(A)(2). The court also reviewed and considered R.C. 2929.11 and 2929.12 before imposing its sentence and properly imposed postrelease control.

{¶ 13} Huggins’s arguments to the contrary are unavailing. We presume that a trial court considered only relevant, material, and competent evidence in arriving at its sentencing decision unless evidence to the contrary affirmatively appears in the record. *State v. Ford*, 2019-Ohio-4539, ¶ 415. There is also no requirement that the court enumerate every piece of information that it considers in forming its sentence. *See State v. Shiffert*, 2024-Ohio-4952, ¶ 25 (6th Dist.) (trial court is not required to make specific findings under R.C. 2929.11 and 2929.12, and court’s consideration of the factors is presumed even on a silent record). The fact that the court did not mention some aspect of the underlying circumstances when addressing Huggins does not mean that the court failed to consider those circumstances. *See State v. Bostick*, 2025-Ohio-5559, ¶ 19, fn. 4 (“[A]bsent any indication to the contrary, we presume that the trial court properly considered the evidence.”). Huggins did not present any evidence that the court failed to consider all of the facts, so we cannot find that it failed to properly consider the evidence before it at sentencing.

{¶ 14} Because the license suspension is not contrary to law, we find that Huggins’s first assignment of error is not well-taken.

B. The trial court did not rely on improper factors in imposing the license suspension.

{¶ 15} In his second assignment of error, Huggins argues that the trial court relied on “prohibited factors”—namely, the judge’s own personal experiences with her mother—in determining his sentence. He contends that the court’s reliance on these nonstatutory factors was an abuse of discretion. The State responds that the court’s

comments are taken out of context and were not improper. Instead of showing that the court relied on impermissible factors, the State contends that the court’s comments simply show understanding of the difficulty that imposing a lifetime license suspension would cause. The State also argues that Huggins is actually challenging how the court weighed the sentencing factors, which this court cannot review on appeal.

{¶ 16} We are generally not permitted to independently weigh the evidence and substitute our judgment for the trial court’s regarding the appropriate sentence under R.C. 2929.11 and 2929.12. *State v. Palmer*, 2022-Ohio-2293, ¶ 13 (6th Dist.), citing *State v. Jones*, 2020-Ohio-6729, ¶ 39, 41-42; *State v. Toles*, 2021-Ohio-3531, ¶ 10 (Brunner, J., concurring) (R.C. 2953.08 “precludes second-guessing a sentence imposed by a trial court based on its weighing of the considerations in R.C. 2929.11 and 2929.12.”). However, “[n]othing about that holding [in *Jones*] should be construed as prohibiting appellate review of a sentence when the claim is that the sentence was imposed based on impermissible considerations—i.e., considerations that fall outside those that are contained in R.C. 2929.11 and 2929.12.” *Bryant*, 2022-Ohio-1878, at ¶ 22. Thus, to the extent that Huggins is claiming that the trial court relied on factors outside of the relevant statutes, we are able to review the claim.

{¶ 17} That said, we find that the trial court’s comments in this case do not show that the court relied on factors outside of R.C. 2929.11 and 2929.12 to sentence Huggins. Instead, when the comments about the judge’s mother are read in context, they demonstrate that the court was attempting to show empathy and understanding for Huggins’s situation. The judge’s comment about her mother having dementia was in

response to Huggins’s comments that his mother’s terminal illness had been a stressor in his life around the time of the incident underlying this case. And her comment about her mother not driving was clearly the court trying to express its understanding of the difficulties a lifetime suspension would cause; that comment did not indicate that the judge was relying on her own personal experiences to determine that a lifetime suspension was the appropriate punishment.

{¶ 18} Because the trial court did not rely on any improper factors in imposing Huggins’s license suspension, we find that the suspension is not contrary to law. Huggins’s second assignment of error is not well-taken.

C. The trial court was not required to mention Huggins’s counseling and treatment.

{¶ 19} In his final assignment of error, Huggins argues that the trial court failed to take his long-term counseling and treatment into consideration when imposing the lifetime license suspension. He contends that the court’s failure to mention counseling and treatment during its comments before imposing sentence shows that the court “simply did not take it into account.” The state responds that a trial court is not required to discuss the factors in R.C. 2929.11 and 2929.12.

{¶ 20} The trial court in this case admittedly did not mention Huggins’s counseling and treatment before imposing its sentence. However, as we have already discussed, it was not required to do so, and its failure to do so does not mean that it failed to consider the evidence. Huggins’s third assignment of error is not well-taken.

III. Conclusion

{¶ 21} Based on the foregoing, the November 18, 2025 judgment of the Lucas County Court of Common Pleas is affirmed. Huggins 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.

Thomas J. Osowik, P.J.

JUDGE

Christine E. Mayle, J.

JUDGE

Charles E. Sulek, 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/>.