

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
COLUMBIANA COUNTY

STATE OF OHIO,

Plaintiff-Appellee,

v.

RICHARD M.J. TITTLE,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY **Case No. 26 CO 0001**

Criminal Appeal from the
Common Pleas Court of Columbiana County, Ohio
Case No. 25 CR 149

BEFORE:

Carol Ann Robb, Cheryl L. Waite, Katelyn Dickey, Judges.

JUDGMENT:

Affirmed.

Atty. Vito J. Abruzzino, Columbiana County Prosecuting Attorney, *Atty. Alec A. Beech*,
Assistant Prosecuting Attorney, for Plaintiff-Appellee and

Atty. Martin S. Hume, Martin S. Hume Co., L.P.A., for Defendant-Appellant.

Dated: September 29, 2026

Robb, J.

{¶1} Appellant, Richard M.J. Tittle, appeals his sentence after pleading guilty to four counts of drug possession. Tittle contends the trial court erred in imposing multiple indefinite sentences. He also asserts the record does not support the trial court’s findings supporting its imposition of consecutive sentences. For the following reasons, we affirm.

Statement of the Case

{¶2} Tittle was indicted via secret indictment in March of 2025. He was charged with seven counts: 1) trafficking a fentanyl-related compound in violation of R.C. 2925.03(A)(2), a first-degree felony with a specification for forfeiture of money under R.C. 2941.1417(A); 2) possession of fentanyl in violation of R.C. 2925.11(A), a first-degree felony with a specification for forfeiture of money under R.C. 2941.1417(A); 3) trafficking cocaine in violation of R.C. 2925.03(A)(2), a first-degree felony with a specification for forfeiture of money under R.C. 2941.1417(A); 4) possession of cocaine in violation of R.C. 2925.11(A), a first-degree felony with a specification for forfeiture of money under R.C. 2941.1417(A); 5) trafficking Alprazolam in violation of R.C. 2925.03(A)(2), a fifth-degree felony with a specification for forfeiture of money under R.C. 2941.1417(A); 6) possession of Alprazolam in violation of R.C. 2925.11(A), a fifth-degree felony with a specification for the forfeiture of money under R.C. 2941.1417(A), this count also specifies Tittle was previously convicted of a drug abuse offense; and 7) possession of Buprenorphine in violation of R.C. 2925.11(A) when Tittle had a prior drug abuse conviction, a fifth-degree felony with a forfeiture of money specification under R.C. 2941.1417(A). (March 5, 2025 Indictment.)

{¶3} Tittle was transported from Ohio’s Correctional Reception Center (CRC) and appeared for arraignment. He was deemed indigent, appointed counsel, and entered a plea of not guilty. Tittle was returned to the CRC at the conclusion of the hearing. (April 2, 2025 Entry.) The case was set for jury trial, and the parties exchanged discovery.

{¶4} Notice of a plea agreement was filed with the court, and the trial date was canceled. (October 31, 2025 Entry.)

{¶15} Tittle’s written plea agreement was filed November 5, 2025. It states in part that Tittle will plead guilty to Count Two, possession of a fentanyl-related compound, a first-degree felony; the lesser offense in Count Four, possession of cocaine, a fourth-degree felony; Count Six, possession of drugs, a fifth-degree felony; Count Seven, possession of drugs, a fifth-degree felony, and the attached forfeiture specification. The state agreed to recommend a three-year sentence and a mandatory fine for Count Two. And for Counts Four, Six, and Seven, the state agreed to recommend a nine-month prison term and a recommendation for all counts to “run concurrently within this case.” The agreement states Tittle was to request a lesser sentence and community control sanctions. Tittle also agreed to forfeit \$120. (November 5, 2025 Plea Agreement.)

{¶16} At the plea hearing, defense counsel indicated Tittle was “borrowed from prison” in response to the court’s inquiry as to whether he was on probation or under supervision at the time of the plea. The court reviewed the charges, the elements, and penalties for each count to which Tittle was pleading guilty. Each offense allegedly occurred on July 19, 2024 in Columbiana County. The state explained it planned to recommend a “net three-year prison term.” At the conclusion of the hearing, the bailiff indicated there was going to be an “updated PSI.” (November 4, 2025 Plea Hearing.)

{¶17} After the hearing, the trial court accepted the plea agreement and found Tittle voluntarily and intelligently entered guilty pleas. This judgment also states in part: “At the time of sentencing[,] Count One, Count Three and Count Five will be dismissed by Nolle Prosequ[i] to be prepared by the State of Ohio.” (November 5, 2025 Judgment.)

{¶18} At the sentencing hearing, the state advised the charges in this case stemmed from the execution of an arrest warrant on Tittle in a prior case, in which he was already serving a prison term. At the time of the arrest, Tittle had large quantities of illegal drugs within his reach resulting in the charges in this case. The state explained these drugs included approximately 23 grams of a fentanyl-related compound, “felony-four cocaine,” and two prescription-type drugs for which Tittle did not have prescriptions. (December 15, 2025 Sentencing Hearing.)

{¶19} The state also said both the seriousness of the offense and Tittle’s recidivism were high. The prosecutor further stated Tittle has a criminal history dating back to 2013 and includes: “felony convictions for felony five trafficking; felony three,

illegal conveyance; felony 5, possession; and in the case that he's currently serving a four-year term on out of this Court, . . . charges of felony one, possession of cocaine; felony two, possession of fentanyl-related compound." (December 15, 2025 Sentencing Hearing.)

{¶10} Regarding its sentencing recommendation, the prosecutor stated it was recommending that any term issued in this case to run concurrently with each other; it also recommended that the prison term ordered in this case would run consecutive to Tittle's sentence in his prior criminal case. (December 15, 2025 Sentencing Hearing.)

{¶11} Upon announcing its sentencing decision, the trial court stated, "I had them run your criminal history." And it is "just the same thing over and over again . . . [a]nd the amount of drugs just keeps increasing." For counts four, six, and seven, the court imposed a nine-month term for each in a state correctional facility. The court stated: "They will all run concurrent with each other." The court then stated Tittle's sentence in this case will "run consecutive with [the sentence issued in case number] 24-CR-371." (December 15, 2025 Sentencing Hearing.)

{¶12} The court subsequently issued its sentencing decision. The trial court denied Tittle's request for probation and sentenced him to an indefinite prison term. On count two, Tittle was ordered to serve a minimum three years to a maximum four and one half years and a \$10,000 fine. On count four, possession of cocaine, Tittle was ordered to serve a definite term of nine months in prison. On count six, possession of drugs, Tittle was ordered to serve a definite term of nine months. For count seven, possession of drugs, Tittle was sentenced to a definite term of nine months. He was ordered to forfeit money in connection with the forfeiture specification. The court ordered the prison terms to be served consecutively with any sentence Defendant serves in case number 24 CR 371. Separately, the judgment states Tittle was to serve the prison terms consecutively; the court did not indicate the terms within this case were ordered to be served concurrently. The court also stated consecutive sentences are necessary to protect the public from future crime and to punish the defendant. The court also noted consecutive sentences are not disproportionate to the seriousness of Tittle's conduct and the danger he poses to the public. He was also ordered to serve five years post-release control. (December 15, 2025 Sentencing Judgment.)

{¶13} Tittle appealed the trial court’s December 15, 2025 sentencing decision. (January 6, 2026 Notice of Appeal.)

{¶14} Tittle moved to supplement the record on appeal with the presentence investigation (PSI) report referenced in the trial court proceedings. (February 26, 2025 Motion.) The trial court subsequently issued a nunc pro tunc entry on February 27, 2025. Thereafter, this court issued a judgment recognizing the nunc pro tunc and the fact that it eliminated the court’s prior reference to a PSI. Thus, we denied the motion to supplement the record and noted the trial court “made it clear” there was no PSI report. (March 3, 2026 Magistrate’s Order.)

{¶15} Tittle filed an amended notice of appeal to include the trial court’s nunc pro tunc judgment. The parties filed their appellate briefs.

{¶16} Thereafter, the clerk of courts issued a notice of supplemental record alerting this court of the trial court’s three, nunc pro tunc judgments issued after Tittle’s initial notice of appeal. (June 2, 2026 Notice.) The three nunc pro tunc judgments listed in that notice are dated February 27, 2026, April 13, 2026, and May 8, 2026. (June 2, 2026 Notice.) In response, Tittle filed a second, amended notice of appeal. He attached the trial court’s December 15, 2025 sentencing decision and the court’s May 8, 2026 nunc pro tunc judgment. (June 8, 2026 Second Amended Notice of Appeal.)

{¶17} The trial court’s May 8, 2026 nunc pro tunc judgment states in part: “Sentences to be served *concurrently* with each other and *consecutively* with any sentence the Defendant shall serve in case no. 24 CR 371.” (Emphasis sic.) (May 8, 2026 Nunc Pro Tunc judgment.).

{¶18} Tittle also moved for a limited remand. He asked this court to remand for the trial court to re-issue its May 8, 2026 judgment to ensure the trial court had jurisdiction to issue the nunc pro tunc judgment correcting his sentence. Tittle argued in part that a corrected judgment would likely eliminate his first assignment of error on appeal. (June 8, 2026 Motion to Remand.)

{¶19} We granted his request for a limited remand, and the trial court re-issued its May 8, 2026 nunc pro tunc judgment on June 16, 2026. (June 16, 2026 nunc pro tunc Sentencing Judgment.) Tittle raises three assignments of error on appeal.

Assignments of Error

{¶20} Tittle’s first assignment of error asserts:

“The trial court erred in failing to include the concurrent sentencing finding on all charges in Case No. 2025-CR 149 in the Court’s sentencing entry.”

{¶21} Tittle’s counsel suggested at oral argument that this assigned error may be moot. Notwithstanding, we address the same on the merits to assist in the analysis of the other assigned errors.

{¶22} Tittle asserts the court erred by failing to include the fact that the sentences in counts two, four, six, and seven were to run concurrently with one another consistent with the court’s statement at his sentencing hearing. (Tr. 7.) This concurrent finding was consistent with the parties’ plea agreement. However, Tittle asserts the court erred by not including this fact in its written entries reflecting his sentence.

{¶23} The state seemingly agrees in part. It suggests in its appellate brief that the trial court may have erred by failing to state the prison terms were to run concurrently with one another. Whereas, the trial court correctly stated the prison terms issued in this case were ordered to run consecutive to Tittle’s prison term in case number 2024 CR 371, a separate case. Thus, the state suggests a nunc pro tunc judgment would rectify the clerical mistake, and as such, no reversal for resentencing is required.

{¶24} As stated in the statement of the case, this court remanded the matter to the trial court. During the limited remand, the trial court re-issued its May 8, 2026 nunc pro tunc entry on June 16, 2026. Both nunc pro tunc judgments state in part that Tittle’s “[s]entences [are] to be served *concurrently* with each other and *consecutively* with any sentence the Defendant shall serve in case no. 24 CR 371.” (Emphasis sic.).

{¶25} A nunc pro tunc entry cannot be used to change a sentence to one that was not imposed orally in open court. *State v. Bonnell*, 2014-Ohio-3177, ¶ 30-31. However, nunc pro tunc judgments may be used to correct clerical mistakes in judgments, orders, or other parts of the record at any time. *State ex rel. Womack v. Marsh*, 2011-Ohio-229, ¶ 13; Crim.R. 36.

{¶26} Because the court issued the nunc pro tunc judgments to correct a clerical error and reflect what actually occurred during the underlying proceedings, the nunc pro tunc judgments issued May 8, 2026 and June 16, 2026 were proper. *State v. Lester*,

2011-Ohio-5204, ¶ 18-19 (“Nunc pro tunc entries are used to make the record reflect what the court actually decided and not what the court might or should have decided or what the court intended to decide.”) Accordingly, Tittle’s first assigned error lacks merit.

{¶27} Tittle’s second assigned error contends:

“The trial court erred in imposing multiple indefinite sentences.”

{¶28} Tittle contends he was serving an indefinite prison term issued in a prior case at the time he was sentenced in this case to a second, indefinite sentence. Tittle asserts that R.C. 2929.144(B)(2) only allows the imposition of one indefinite sentence on a criminal defendant when the sentences are ordered to be served consecutively. He directs this court’s attention to the language in R.C. 2929.144(B)(2) and the Eleventh District Court of Appeals’ decision in *State v. Karpovitch*, 2025-Ohio-4323, ¶ 45 (11th Dist.).

{¶29} The state disagrees. It contends the statutory language in R.C. 2929.144(B)(2) only applies when there is a single sentencing hearing when an offender is sentenced to consecutive sentences on multiple first- or second-degree felonies. The state urges us to find R.C. 2929.144(B)(2) does not apply when there are two separate hearings in two different cases on charges stemming from different dates or offenses. Because the indefinite sentence in Tittle’s prior criminal matter was wholly separate, the state urges us to find *Karpovitch* inapplicable.

{¶30} “A question of statutory construction presents an issue of law that we determine de novo on appeal.” *Lang v. Dir., Ohio Dept. of Job & Family Servs.*, 2012-Ohio-5366, ¶ 12. We review the statute to determine if its meaning is clear, and if the legislature’s intent is evident, we must give effect to the unambiguously expressed intent. *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 842-843 (1984).

{¶31} “Where the language of a statute is plain and unambiguous and conveys a clear and definite meaning there is no occasion for resorting to rules of statutory interpretation. An unambiguous statute is to be applied, not interpreted.” *Sears v. Weimer*, 143 Ohio St. 312 (1944), paragraph five of the syllabus.

{¶32} Absent an ambiguity, “we will apply the statute as written and conduct no further investigation.” *State v. Hurd*, 89 Ohio St.3d 616 (2000), citing *State ex rel. Herman v. Klopfleisch*, 72 Ohio St.3d 581, 584 (1995).

{¶33} “Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.” R.C. 1.42.

{¶34} “Common words appearing in a written instrument will be given their ordinary meaning unless manifest absurdity results, or unless some other meaning is clearly evidenced from the face or overall contents of the instrument.’ *Alexander v. Buckeye Pipe Line Co.* (1978), 53 Ohio St.2d 241, 7 O.O.3d 403, 374 N.E.2d 146, paragraph two of the syllabus.” *King v. Nationwide Ins. Co.*, 35 Ohio St.3d 208, 212, (1988). “In enacting a statute, it is presumed . . . [t]he entire statute is intended to be effective[, and a] just and reasonable result is intended.” R.C. 1.47(B) and (C).

{¶35} We disagree with Tittle’s asserted application of R.C. 2929.144(B)(2) to the instant case. Our review begins and ends with a plain reading of the statutory language.

{¶36} R.C. 2929.144, *determining maximum prison term*, states in part:

(B) The court *imposing* a prison term on an offender under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree shall determine the maximum prison term *that is part of the sentence* in accordance with the following:

. . .

(2) If the offender *is being sentenced for more than one felony*, if one or more of the felonies is a qualifying felony of the first or second degree, *and if the court orders that some or all of the prison terms imposed are to be served consecutively*, the court shall add all of the minimum terms imposed on the offender under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree that are to be served consecutively and all of the definite terms of the felonies that are not qualifying felonies of the first or second degree that are to be served consecutively, and the maximum term shall be equal to the total of

those terms so added by the court plus fifty per cent of the longest minimum term or definite term for the most serious felony being sentenced.

(3) If the offender *is being sentenced for more than one felony*, if one or more of the felonies is a qualifying felony of the first or second degree, *and if the court orders that all of the prison terms imposed are to run concurrently*, the maximum term shall be equal to the longest of the minimum terms imposed on the offender under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree for which the sentence is being imposed plus fifty per cent of the longest minimum term for the most serious qualifying felony being sentenced.

(Emphasis added.)

{¶37} The appeal in *State v. Karpovitch*, 2025-Ohio-4323, was an appeal in a consolidated criminal case involving two separate criminal cases. The sentences in both cases were imposed on the defendant during a joint sentencing hearing involving six total criminal cases against the defendant. *Id.* at ¶ 2-3. The court of appeals applied R.C. 2929.144(B)(2) and found it applied even when a trial court is sentencing an offender for felonies in separate cases. Karpovitch reasoned that because the trial court held a joint sentencing hearing and announced the defendant's sentences together, the plain language of R.C. 2929.144(B)(2) dictated its application, regardless of the fact that the sentences were under separate case numbers. *Id.* at ¶ 41-44.

{¶38} Karpovitch rejected the alternative outcome adopted by the Eighth District in *State v. Bond*, 2022-Ohio-1487, ¶ 12 (8th Dist.), *aff'd sub nom. In re Cases Held for State v. Hacker & State v. Simmons*, 2023-Ohio-3863. The *Bond* Court held: "R.C. 2929.144(B)(2) only applies to consecutive prison terms imposed within a single case." Karpovitch at ¶ 38, quoting *Bond* at ¶ 13; accord *State v. Perez*, 2023-Ohio-83, ¶ 33 (8th Dist.).

{¶39} In the instant case, however, the trial court was imposing Tittle's sentence in one criminal case. The court ordered all of Tittle's sentences imposed in this case to run concurrent with one another. Yet, the court also ordered the sentence issued in this

case to run consecutively with Tittle’s sentence previously imposed in a separate criminal case.

{¶40} Because this case only involved Tittle being sentenced for more than one felony, but none of the sentences being imposed were to be served consecutively, (B)(2) did not apply. Instead, a plain reading of the provision shows that section (B)(3) applies when a court is imposing concurrent sentences.

{¶41} Tittle’s desired result runs contrary to a plain reading of R.C. 2929.144(B). The language used in R.C. 2929.144(B) is prospective in nature. It includes the words “*being sentenced* for more than one felony” and “*orders* that some or all of the prison terms imposed *are to be served* consecutively.” The statute also states it applies when a court “*is imposing* a prison term,” meaning a prison term that has not yet been imposed, not a term that has already been imposed in a different case and at a prior hearing.

{¶42} Had the legislature wanted R.C. 2929.144(B) to apply when an offender or defendant is already serving a sentence that was previously imposed in a separate criminal matter, it could have said so. It did not.

{¶43} In light of the foregoing, we decline to address whether the *Karpovitch* or *Bond* application of the provision is correct when a defendant is being sentenced at a joint or consolidated sentencing hearing for charges and sentences imposed in separate criminal cases.

{¶44} Tittle’s second assigned error lacks merit and is overruled.

{¶45} Tittle’s third assignment of error asserts:

“The record clearly and convincingly does not support the court's consecutive sentencing finding.”

{¶46} Tittle asserts the record does not support the trial court’s findings in support of its decision to impose consecutive sentences. He is not claiming the court did not make the requisite findings. Instead, Tittle asserts the record does not support the findings. He directs this court’s attention to the multiple references to a presentence investigation report in support of this argument.

{¶47} Tittle urges us to find there is a lack of sufficient evidence supporting the court’s findings due to the lack of a PSI report on which the trial court explicitly relies. He claims the court’s conclusion that the imposition of consecutive sentences was necessary

is unsupported, and the general rule that criminal sentences should run concurrently must govern.

{¶48} The state counters that a PSI report is not necessary since there are multiple references to Tittle’s prior offenses in the record. It directs this court’s attention to the December 15, 2025 sentencing hearing to show Tittle was charged with the offenses in this case when he was being arrested for other criminal charges. The state further argues appellate courts may only overturn the imposition of consecutive sentences when such a decision is clearly and convincingly contrary to law.

{¶49} As Tittle asserts, the default rule in Ohio provides that “a prison term, jail term, or sentence of imprisonment shall be served concurrently with any other prison term, jail term, or sentence of imprisonment imposed by a court of this state, another state, or the United States.” R.C. 2929.41(A). Nevertheless, courts may impose consecutive sentences upon making certain findings.

{¶50} Pursuant to R.C. 2929.14(C)(4), a court can impose consecutive sentences when it finds (1) consecutive sentences are necessary to protect the public from future crime or to punish the offender; (2) 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) one of the three options listed in R.C. 2929.14(C)(4)(a)-(c). *State v. Bonnell*, 2014-Ohio-3177, ¶ 29.

{¶51} These consecutive findings are required when a court orders a sentence to be served consecutively to a prison term a defendant is already serving in another case. *State v. James*, 2024-Ohio-4567, ¶ 52-53 (7th Dist.); *State v. Smith*, 2022-Ohio-257, ¶ 26-31 (11th Dist.), citing *State v. Richmond*, 2017-Ohio-2656, ¶ 26 (8th Dist.).

{¶52} We review the imposition of consecutive sentences under R.C. 2953.08(G)(2). To reverse the imposition of consecutive sentences, a reviewing court must clearly and convincingly find either the record does not support the sentencing court's findings under R.C. 2929.14(C)(4) or the sentence is otherwise contrary to law. R.C. 2953.08(G)(2)(a)-(b). “Clear and convincing evidence is that measure or degree of proof which is more than a mere ‘preponderance of the evidence,’ but not to the extent of such certainty as is required ‘beyond a reasonable doubt’ in criminal cases, and which will produce 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.

[A]n appellate court is directed that it must have a firm belief or conviction that the record does *not* support the trial court's findings before it may increase, reduce, or otherwise modify consecutive sentences. . . . This language is plain and unambiguous and expresses the General Assembly's intent that appellate courts employ a deferential standard to the trial court's consecutive-sentence findings. R.C. 2953.08(G)(2) also ensures that an appellate court does not simply substitute its judgment for that of a trial court.

(Emphasis added.) *State v. Gwynne*, 2023-Ohio-3851, ¶ 15.

{¶53} As stated, Tittle’s history of prior offenses was referenced at his plea and sentencing hearings. At the plea hearing, defense counsel indicated Tittle was “borrowed from prison” at the time of the plea, suggesting he was incarcerated for another offense at the time of his plea. Further, as Tittle alleges, the bailiff stated the court was securing an updated PSI report. (November 4, 2025 Plea Hearing.)

{¶54} Additionally, the prosecution stated the following at the sentencing hearing: These charges arose from when law enforcement executed an arrest warrant on the defendant in July of last year. The arrest warrant was for a prior case[;] the case he’s currently serving a prison term on. . . . When he was arrested, he had additional large quantities of illegal drugs on his person or within his reach that led to the charges in this case.

. . .

As to recidivism, defendant has a criminal history that dates back to 2013. He has prior felony convictions for felony five trafficking; felony three, illegal conveyance; felony 5, possession; and in the case that he’s currently serving a four-year term on out of this Court, include charges of felony one, possession of cocaine; felony two, possession of fentanyl-related compound. . . . The state believes recidivism is high.

(Tr. 2-4.)

{¶55} When requesting a more lenient sentence, defense counsel acknowledged Tittle’s extensive criminal history at the sentencing hearing. Defense counsel stated in part that Tittle “has a long [criminal] history, as you just heard and read in the PSI. . . . He wants a different life than he has made for himself to date. . . . I’ve represented him repeatedly in front of you. I’m tired of seeing him as I told him earlier. I’m sure you are too.” (Tr. 4-5.)

{¶56} The trial court then stated:

I had them run your criminal history. I mean, it’s just the same thing over and over again, you know. And the amount of drugs keeps increasing . . . On the last case I sentenced you on, it was 4 to 6 years. And that was in February. So you’ve served – almost a year of it?

. . .

Mr. Tittle, . . . I can’t disagree with your counsel. I mean, you’re just one of those people, you just keep coming back.”

(Tr. 6-7, 10.)

{¶57} When announcing its decision to impose consecutive sentences, the trial court also stated:

[I]n considering the seriousness and recidivism factors, and also whether or not a consecutive sentence is necessary in relation to your other case, I’m going to consider those factors in 2929.14, and find that your . . . history of criminal conduct demonstrates th[at] consecutive sentences [are] necessary to protect the public from future crime by the offender, and that it’s not just disproportionate to the seriousness of the conduct and the threat that you pose to the public. . . . So it will run consecutive with 24-CR-37.

(Tr. 11-12.) The trial court likewise recited these findings in its sentencing judgment.

{¶58} While we agree it appears the trial court relied on a PSI report which is not in the record, considering this record, we find no reversible error. To the contrary, the trial court judge, the prosecutor, and defense counsel highlighted Tittle’s history of criminal convictions, including escalating drug charges, during the sentencing hearing. There were no objections to the validity of these facts and no contention or evidence to the contrary.

{¶59} Because there were ample references to Tittle’s criminal history in the record to support the imposition of consecutive sentences, this court cannot say that we clearly and convincingly find the record does not support the sentencing court’s findings. *State v. Gwynne*. Tittle’s third assignment of error lacks merit and is overruled.

Conclusion

{¶60} Based on the foregoing, each of Tittle’s assignments of error lacks merit. The trial court’s judgments are affirmed.

Waite, P.J., concurs.

Dickey, J. concurs.

For the reasons stated in the Opinion rendered herein, the assignments of error are overruled and it is the final judgment and order of this Court that the judgments of the Court of Common Pleas of Columbiana County, Ohio, are affirmed. Costs waived.

A certified copy of this opinion and judgment entry shall constitute the mandate in this case pursuant to Rule 27 of the Rules of Appellate Procedure. It is ordered that a certified copy be sent by the clerk to the trial court to carry this judgment into execution.

NOTICE TO COUNSEL

This document constitutes a final judgment entry.