

**COURT OF APPEALS OF OHIO**

**EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA**

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, :  
 : Nos. 112295 and 112297  
 v. :  
 :  
 STACY NAGY, :  
 :  
 Defendant-Appellant. :

---

**JOURNAL ENTRY AND OPINION**

**JUDGMENT: AFFIRMED**

**RELEASED AND JOURNALIZED: September 14, 2023**

---

Criminal Appeal from the Cuyahoga County Court of Common Pleas  
Case Nos. CR-21-664649-A and CR-22-669105-A

---

***Appearances:***

Michael C. O'Malley, Cuyahoga County Prosecuting  
Attorney, and Carly E. Berman, Assistant Prosecuting  
Attorney, *for appellee*.

Kelly M. Zacharias, *for appellant*.

MICHELLE J. SHEEHAN, J.:

{¶ 1} Defendant-appellant, Stacy Nagy, appeals the imposition of consecutive prison sentences in her two felony cases. Because the trial court made the necessary findings to impose consecutive sentences and we cannot say we are

clearly and convincingly persuaded that the record does not support the trial court's findings, we affirm the judgment of the trial court.

#### PROCEDURAL HISTORY AND RELEVANT FACTS

{¶ 2} On November 16, 2022, in Cuyahoga C.P. No. CR-21-664649, Nagy pleaded guilty to one count of identity fraud in violation of R.C. 2913.49(B)(1). On the same date, in Cuyahoga C.P. No. CR-22-669105, Nagy entered guilty pleas to one count of attempted grand theft of a motor vehicle in violation of R.C. 2923.02 and 2913.02(A)(1), a felony of the fifth degree, and to four counts of drug possession in violation of R.C. 2925.11(A), all felonies of the fifth degree. During the pendency of these cases, the docket indicates Nagy failed to appear before the trial court on at least three occasions, with one occasion being due to confinement in Lorain County, Ohio.

{¶ 3} On December 13, 2022, the trial court imposed 12-month prison sentences for each of the six felony offenses to which Nagy pled guilty. It further ordered that the sentences in Cuyahoga C.P. No. CR-22-669105 be served concurrently to each other, but consecutively to the sentence imposed in Cuyahoga C.P. No. CR-21-664649. In the aggregate, the trial court imposed a 24-month prison sentence for the offenses committed by Nagy.

{¶ 4} At the sentencing hearing, the trial court stated that it reviewed the presentence-investigation report and relevant felony sentencing statutes and

proceeded to hear from Nagy, her counsel, the state, and the named victim of the identity fraud in Cuyahoga C.P. No. CR-21-664649.

{¶ 5} Nagy's counsel asked the trial court to impose community-control sanctions and place Nagy in a community based correctional facility ("CBCF") so that she could receive drug addiction and mental health treatment. Nagy apologized to the victim, stating she knew that she "wrecked her ability to do things by using her identity." Nagy asked the trial court for placement at the CBCF and informed the trial court she is actively in counseling and in drug treatment while confined at the county jail. A friend spoke on Nagy's behalf and said he knew Nagy for years and she is intelligent and has potential when not on drugs.

{¶ 6} The state outlined the facts underlying the charges brought against Nagy. In Cuyahoga C.P. No. CR-21-664649, the state told the trial court Nagy was found passed out behind the wheel of a car in North Olmsted and she gave the victim's name to police officers. A few weeks later, the victim talked with police and let them know that Nagy has used her name with law enforcement in the past. In Cuyahoga C.P. No. CR-22-669105, the state said that a man reported that he met Nagy and the next morning his U-Haul truck with personal papers, cash, and tools were taken. The truck was later located, and the police encountered Nagy, who identified herself as the victim to them.

{¶ 7} The victim of the identity fraud told the court that Nagy's plans and aspirations for treatment were a ruse and Nagy has a script for every judge she appears before. She said Nagy has no intention of completing anything at the CBCF,

noting that Nagy already went through Lorain County's CBCF. The victim informed the trial court that since 2018, Nagy has used her name in ten different municipalities and that, as a result, the victim was once indicted for drug crimes committed by Nagy.

{¶ 8} After hearing from the parties, the trial court noted identity fraud had been ongoing and Nagy's victim suffered serious collateral consequences. The trial court stated it was evident Nagy has serious drug and alcohol issues and noted Nagy's criminal record, which included prior convictions that include burglary. The trial court put on the record that Nagy served a prison sentence and she had also been sentenced to a CBCF. The trial court also stated Nagy absconded during the pendency of her current cases.

{¶ 9} The trial court imposed 12-month prison sentences for each of the felony offenses to which Nagy pleaded guilty. In imposing sentence, the trial court made the following statements and findings:

So the only thing I can do is what [the victim of identity fraud] is suggesting, separate you from society, so that there are not more victims, there is not some other poor guy giving you a room for a night, for whatever purpose, or you getting pulled over and stealing and lying. That's the only way at this point. I hope it's the last time. I really do.

\* \* \*

So what I am going to do is I am going to note that you committed these crimes while on bond or other cases pending, that consecutive sentences are necessary in this matter, that it's necessary to protect [the victim of identity fraud] and other folks who are at your — that are subject to your lies to punish you. It's not disproportionate to what you have done in these two cases. They were committed \* \* \* under a sanction in other cases.

You're not amenable to community control sanctions. So in Case 664649, you pled to Count 1, F5. It's identity fraud. The harm to [the victim of the identity fraud] in this situation is so unusual that a single term would not adequately punish you for the seriousness of the conduct, and the record is clear about what you said or what you did, and your criminal history is enough.

**{¶ 10}** The trial court incorporated its consecutive-sentence findings in the journal entries of Nagy's convictions.

#### LAW AND ARGUMENT

**{¶ 11}** Nagy's sole assignment of error reads:

The record does not support the findings that consecutive sentences were appropriate.

**{¶ 12}** Nagy alleges the trial court did not make the findings necessary to impose consecutive sentence and, further, the record does not support the imposition of consecutive sentences. She argues that the trial court could not "consider the harms so great to [the victim of identity fraud] as a basis for consecutive sentences on separate cases when [the victim of identity fraud] was the victim on only one of the cases." The state argues the trial court made the necessary findings to impose consecutive sentences and made a record of the facts that support those findings.

**{¶ 13}** Pursuant to R.C. 2929.14(C)(4), a trial court may order prison terms to be served consecutively if it finds "the 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.” Further, the court must also find 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.

R.C. 2929.14(C)(4).

**{¶ 14}** In *State v. Gwynne*, Slip Opinion No. 2022-Ohio-4607, ¶ 25, the Ohio Supreme Court stated appellate review of consecutive sentences is a two-step process. First, the reviewing court is to determine whether the trial court made the findings under R.C. 2929.14(C)(4). *Id.* Second, the court is to “determine whether the record clearly and convincingly supports those findings.” *Id.* at ¶ 26. In reviewing the record, the appellate court is to examine “both the quantity and quality of the evidence \* \* \* that either supports or contradicts the consecutive-sentence findings.” *Id.* at ¶ 29. In reviewing the order of consecutive sentences, we are mindful that the trial court has neither the obligation to state reasons that support its findings, nor is it required to give a “word for word recitation of the language of

the statute.” *State v. Bonnell*, 140 Ohio St.3d 209, 2014-Ohio-3177, 16 N.E.3d 659, ¶ 29.

**{¶ 15}** Our review of the record indicates that the trial court, while not reciting the precise language of R.C. 2929.14(C), did make the requisite findings in order for order Nagy to serve her prison sentences consecutively. The trial court found, “So the only thing I can do is what [the victim] is suggesting, separate you from society, so that there are not more victims”; “that consecutive sentences are necessary in this matter, that it’s necessary to protect [the victim] and other folks \* \* \* to punish you”; and that “[i]t’s not disproportionate to what you have done in these two cases.” These findings are in accord with those found in R.C. 2929.14(C)(4). Further, the trial court found Nagy’s crimes “were committed while awaiting trial sentencing under a sanction in other cases,” which finding is commensurate with R.C. 2929.14(C)(4)(a). The trial court additionally found that the “harm to [the victim] in this situation is so unusual that a single term would not adequately punish you for the seriousness of the conduct” and that Nagy’s “criminal history is enough” to impose consecutive sentences, which findings are in accord with R.C. 2929.14(C)(4)(b) and (c).

**{¶ 16}** The record reflects that Nagy has a criminal history that included a conviction for burglary, a violent offense; has served a prior prison sentence; committed her current offenses while under sanctions in another case; and created an unusual amount of harm to the victim of identity fraud. As such, we cannot say

we clearly and convincingly find “the record does not support the sentencing court’s” consecutive-sentencing findings. *See* R.C. 2953.08(G)(2)(a).

**{¶ 17}** The sole assignment of error is overruled.

#### CONCLUSION

**{¶ 18}** Nagy was convicted of six felony offenses in two separate cases for crimes committed while she was under sanctions in another criminal case. The trial court made the findings pursuant to R.C. 2929.14(C) and ordered Nagy to serve consecutive prison sentences. Our review of the record does not lead us to clearly and convincingly find that the record does not support the findings made by the trial court.

**{¶ 19}** Judgment affirmed.

It is ordered that appellee recover of appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution. The defendant’s conviction having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.



A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

---

MICHELLE J. SHEEHAN, JUDGE

KATHLEEN ANN KEOUGH, P.J., and  
EILEEN T. GALLAGHER, J., CONCUR