

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	
	:	No. 115995
v.	:	
	:	
SHANAJA JONES,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: September 3, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-24-687997-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney and Kristin M. Karkutt, Assistant Prosecuting Attorney, *for appellee*.

P. Andrew Baker, *for appellant*.

MARY J. BOYLE, P.J.:

{¶ 1} Defendant-appellant Shanaja Jones (“Jones”) appeals her sentence for aggravated murder, murder, and felonious assault following our remand for resentencing in *State v. Jones*, 2025-Ohio-2144 (8th Dist.) (“*Jones I*”). She raises the following single assignment of error for review:

The trial court erred in imposing a consecutive sentence as to Counts One and Six.

{¶ 2} For the reasons set forth below, we affirm Jones’s sentence.

I. Facts and Procedural History

{¶ 3} The facts and procedural history of this case were previously set forth by this court in *Jones I*, and we incorporate them as if fully rewritten herein.

Relevant to this appeal

[Jones was indicted with] one count of aggravated murder in violation of R.C. 2903.01(A), one count of murder in violation of R.C. 2903.02(A), one count of murder in violation of R.C. 2903.02(B), two counts of felonious assault in violation of R.C. 2903.11(A)(1), two counts of felonious assault in violation of R.C. 2903.11(A)(2), and one count of attempted murder in violation of R.C. 2923.02 and 2903.02(A). All counts carried one- and three-year firearm specifications.

These charges arose from a June 3, 2023 shooting in which Bemetrinous Hargrave (“Hargrave”) was killed and Anthony Alexander (“Alexander”) was wounded.

Jones I at ¶ 2-3.

{¶ 4} The case proceeded to a jury trial at which the jury returned a guilty verdict on all counts and found Jones not guilty on all firearm specifications. The trial court sentenced Jones to life in prison with the possibility of parole after 30 to 32 and one-half years. Jones appealed, challenging her convictions and sentence. On appeal, we affirmed her convictions, but reversed her sentence. *Jones*, 2025-Ohio-2144, at ¶ 59 (8th Dist.). Jones argued that the trial court erred because it considered her silence when determining an appropriate sentence. We agreed, finding that:

Jones maintained her innocence throughout the legal proceedings. Identifying her accomplices would imperil her privilege against self-incrimination because to do so would be evidence that she was present at the murder scene and/or was complicit. Because of this, the trial court's comments at sentencing constituted an improper consideration of her silence. Therefore, Jones's sixth assignment of error is sustained and the case is remanded for resentencing in accordance with this opinion.

Id. at ¶ 58.

{¶ 5} Following our remand, the trial court held a resentencing hearing, at which the court imposed the same aggregate sentence as previously imposed — life in prison with the possibility of parole after 30 to 32 and one-half years. Counts 2, 3, 4, and 5 merged into Count 1 (aggravated murder), and the court sentenced Jones to 25 years to life in prison on this count. Counts 7 and 8 merged into Count 6 (attempted murder), and the court sentenced Jones to five to seven and one-half years in prison on this count. The court ordered that the sentences for Counts 1 and 6 be served consecutively to one another and notified Jones that she is subject to a mandatory minimum of two years, up to a maximum of five years of postrelease control, upon her release from prison. The court waived all fees and costs and gave Jones 375 days of jail-time credit.

{¶ 6} It is from this order that Jones now appeals, challenging her sentence.

II. Law and Analysis

{¶ 7} Jones argues that the trial court erred in imposing consecutive sentences. She contends the court's findings — she “engaged in offenses committed during one or more courses of conduct, and that the harm caused by two or more of

the offenses was so great or unusual that a single term would not adequately reflect the seriousness of the defendant's conduct" — were not supported by the record. (Appellant's brief, p. 3.) The State counters that the record supports the trial court's findings and this court should affirm Jones's sentence.

{¶ 8} We note that based on the State's arguments at resentencing, Jones anticipated that the State would argue her appeal is barred by res judicata. The State, however, abandoned this argument on appeal. Therefore, we decline to address this anticipatory argument and focus on the merits of Jones's appeal. Furthermore, "the doctrine of res judicata does not bar a defendant from objecting to issues that arise at a resentencing hearing or from the resulting sentence." *State v. Storey*, 2012-Ohio-3155, ¶ 7 (8th Dist.), citing *State v. Wilson*, 2011-Ohio-2669, ¶ 30.

A. Standard of Review

{¶ 9} As the Ohio Supreme Court recently reiterated, we review the imposition of consecutive sentences using the standard set forth in R.C. 2953.08(G)(2). *State v. Polizzi*, 2026-Ohio-2588, ¶ 25. Under this statute, an appellate court may modify the imposition of consecutive sentences only if "the record clearly and convincingly does not support the trial court's consecutive-sentence findings [R.C. 2953.08(G)(2)(a)] or if "the sentence is otherwise contrary to law.'"" *Id.*, quoting *State v. Glover*, 2024-Ohio-5195, ¶ 42, quoting R.C. 2953.08(G)(2)(b). Clear and convincing evidence has been defined as:

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.

State v. Gwynne, 2023-Ohio-3851, ¶ 14, quoting *Cross v. Ledford*, 161 Ohio St. 469 (1954), paragraph three of the syllabus.

{¶ 10} The *Polizzi* Court further reiterated that with respect to consecutive-sentence findings, appellate courts must be extremely deferential to the trial court and “may not simply substitute its judgment for that of the trial court.” *Id.* at ¶ 21, citing *Gwynne* at ¶ 15. This is because “it is not the role of an appellate court to substitute its judgment for that of the sentencing court as to the appropriateness of a particular sentence.” *Id.* at ¶ 17, quoting *Solem v. Helm*, 463 U.S. 277, 290, fn. 16 (1983). As the Court explained:

The appellate court cannot reweigh the evidence or substitute its judgment based on subjective disagreement with the trial court. *See [Glover]* at ¶ 45 (lead opinion); *State v. Jones*, 2020-Ohio-6729, ¶ 35-37. The trial court is “clearly in the better position to judge [a] defendant’s dangerousness and to ascertain the effect of the crimes on the victims.” *State v. Jones*, 2001-Ohio-1341, ¶ 34.

Id. at ¶ 25. Additionally, the *Polizzi* Court instructed that “[t]he number of consecutive sentences and the total length of the aggregate prison term are not subject to appellate review.” *Id.* at ¶ 30.

B. The Imposition of Consecutive Sentences

{¶ 11} R.C. 2929.41(A) requires Ohio courts to adhere to the presumption that sentences will be served concurrently. A trial court, however, can impose consecutive sentences by finding, under R.C. 2929.14(C)(4), that (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) at least one of the following applies: (a) the offender committed one or more of the multiple offenses while awaiting trial or sentencing, while under a sanction, or while under postrelease 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 offenses 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; or (c) the offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

{¶ 12} “To impose consecutive sentences, the trial court must make each finding required under R.C. 2929.14(C)(4) at the sentencing hearing and incorporate those findings into its sentencing journal entry.” *State v. Kijanski*, 2026-Ohio-1277, ¶ 30 (8th Dist.), citing *State v. Hervey*, 2022-Ohio-1498, ¶ 19 (8th Dist.), citing *State v. Bonnell*, 2014-Ohio-3177, syllabus. The trial court “has no obligation to state reasons to support its findings. Nor is it required to give a talismanic incantation of the words of the statute, provided that the necessary findings can be found in the record and are incorporated into the sentencing entry.” *Bonnell* at ¶ 37. A sentencing court's failure, however, to make R.C. 2929.14(C)(4)'s “statutory findings is ‘contrary to law.’” (Cleaned up.) *State*

v. Miller, 2025-Ohio-2684, ¶ 11 (8th Dist.), quoting *State v. Hendricks*, 2015-Ohio-2268, ¶ 12 (8th Dist.), quoting *Bonnell* at ¶ 37.

{¶ 13} In this case, Jones does not dispute that the trial court made the statutory findings required by R.C. 2929.14(C)(4). Instead, she contends that the record does not support the trial court’s consecutive-sentence findings. Because the trial court made the required statutory findings to impose consecutive sentences, we must affirm Jones’s sentence unless we “clearly and convincingly” find that the record does not support the “court’s *findings* under R.C. 2929.14(C) — not that the appellate court would have imposed a different sentence.” (Emphasis in original.) *Polizzi*, 2026-Ohio-2588, at ¶ 17. Here, our review of the record supports the trial court’s imposition of consecutive sentences.

{¶ 14} Specifically, the jury convicted Jones for her role in driving the shooters to the crime scene to carry out the murder of Hargrave. Jones waited and drove away with the shooters after they murdered Hargrave and inflicted collateral damage, consisting of two gunshot wounds to Alexander, who happened to be walking down the street at the time of the shooting.

{¶ 15} The trial court found it necessary both to protect the public and to punish Jones for her offenses. It also found the sentences are proportional to the severity of her crimes. The court considered the need for incapacitation, deterrence, rehabilitation, and restitution. The court also considered the relevant sentencing guidelines in R.C. 2929.11, 2929.12, 2929.19(B), and 2929.14(C) and

found that a consecutive sentence is appropriate, stating that a consecutive sentence was

necessary to punish the offender, protect the public from future crime, and is not disproportionate to the seriousness of the conduct and the danger posed by the defendant, and that one or more — or two or more of the offenses are part of one or more courses of conduct, and the harm caused is so great or unusual that a single prison term would not adequately reflect the seriousness of the conduct.

(Tr. 16-17.) The trial court then journalized its findings in the corresponding sentencing entry, where the court stated that it “considered all required factors of the law [and found] that prison is consistent with the purpose of R.C. 2929.11.”

(Journal entry, Oct. 9, 2025.) Additionally, we note that the trial court did not impose maximum, consecutive sentences. Jones’s aggregate, consecutive sentence is less prison time than what she could have received for Count 1 alone.

{¶ 16} For these reasons, we find that the trial court engaged in the proper analysis, considered the required statutory criteria, and made the necessary findings before imposing consecutive sentences. Furthermore, we find the record clearly and convincingly supports the consecutive sentence imposed by the trial court.

{¶ 17} Jones’s single assignment of error is overruled.

{¶ 18} Judgment is affirmed.

It is ordered that appellee recover from 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. 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.

MARY J. BOYLE, PRESIDING JUDGE

ANITA LASTER MAYS, J., and
EILEEN A. GALLAGHER, J., CONCUR