

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	No. 116002
	:	
v.	:	
	:	
RICHARD CARNAGIE,	:	
	:	
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 Nos. CR-25-699979-A and CR-25-700635-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Benjamin Fuchs, Assistant Prosecuting Attorney, *for appellee*.

Moran & Fisher, Attorneys at Law, LLC, Michael T. Fisher, and Susan J. Moran, *for appellant*.

MICHAEL JOHN RYAN, J.:

{¶ 1} Defendant-appellant Richard Carnegie appeals from his judgment of conviction that was entered after his guilty pleas to two counts of rape and one count of having weapons while under disability. In this appeal, Carnegie challenges the

consecutive nature of his sentences on the rape convictions. After a thorough review of the facts and pertinent law, we affirm.

Factual and Procedural History

{¶ 2} In early March 2025, Carnagie was charged in Cuyahoga C.P. No. CR-25-699979-A in a four-count indictment as follows: Count 1, having weapons while under disability; Count 2, carrying a concealed weapon; Count 3, improperly handling firearms in a motor vehicle; and Count 4, falsification (“the weapons case”).

{¶ 3} In late March 2025, Carnagie was charged in Cuyahoga C.P. No. CR-25-700635-A in an eight-count indictment. Counts 1 and 2 charged rape, both with sexually-violent-predator specifications; and Count 3, charged kidnapping, with a sexually-violent-predator specification and a sexual-motivation specification. The incidents in Counts 1 through 3 were alleged to have occurred on September 1, 2018, against victim O.M.

{¶ 4} Count 4 charged Carnagie with rape and Count 5 charged kidnapping; both counts contained one- and three-year firearm specifications and sexually-violent-predator specifications. Count 5 additionally contains a sexual-motivation specification. The incidents were alleged to have occurred on September 17, 2018, and related to victim T.L.

{¶ 5} In Counts 6 and 7, Carnagie was charged with rape, and in Count 8, he was charged with kidnapping. Counts 6 through 8 contained sexually-violent-predator specifications, and Count 8 additionally contained a sexual-motivation

specification. The incidents in Counts 6 through 8 were alleged to have occurred on October 17, 2018, against victim T.J. (“the rape case”).

{¶ 6} Both cases progressed through pretrial matters; a jury trial was scheduled for October 20, 2025. On the date of trial, Carnagie entered guilty pleas to several charges. In the weapons case, Carnagie pleaded guilty to one count — Count 1, having weapons while under disability. In the rape case, Count 1 was amended to include the victim from Counts 4 and 5 (T.L.). Carnagie pleaded guilty to Counts 1 (victims O.M. and T.L.) and 6 (victim T.J.), with deletion of all the specifications. During the plea hearing, Carnagie informed the trial court that he was originally from Jamaica and is now a permanent resident of the United States.

{¶ 7} The State informed the trial court of the facts surrounding the rape case. Regarding victim O.M., she was walking to her car from a bar near East 131st Street and Harvard Avenue in Cleveland when a man punched her in the back of the head and forced her into her vehicle. The assailant strangled her and threatened her by telling her to “shut up or I will kill you.” The man then removed O.M.’s clothes and vaginally raped her. After the assault, the man forced O.M. into the passenger’s seat. O.M. offered him drinks in an effort to avoid further assault. Eventually, the assailant drove the victim to a gas station to buy cigarettes. After the victim went into the store, the man left her car. O.M. returned to her car and drove away.

{¶ 8} A few weeks later, Cleveland police responded to East 131st Street and Lambert Avenue regarding the rape of T.L. The victim told police that she was walking in the area when a man pointed a gun at her, forced her into a house, and

raped her in an upstairs bedroom. Officers responded to that house and spoke with the homeowner, Carnegie's mother, who informed police that her son lived with her upstairs. Officers received consent to search the home and located clothing matching the description of the clothing worn by the assailant and a gun in the upstairs bedroom.

{¶ 9} One month later, Cleveland police responded to Hillcrest Hospital for a report of sexual assault. The victim, T.J., told police that she was walking in the neighborhood near East 147th Street and Harvard Avenue when a male approached her with a knife and pushed her to the ground. After the initial assault, he dragged her to a nearby yard and vaginally raped her. During the assault, the assailant told T.J. that if she screamed, he would stab her.

{¶ 10} All three victims submitted to sexual-assault examinations. All three victims described their assailant as a black male with dreadlocks and a thick Jamaican accent. Carnegie's DNA was found on all three women or their clothing.

{¶ 11} After Carnegie's plea, but prior to sentencing, defense counsel filed a motion for a competency evaluation. The trial court granted the motion, and the trial court's psychiatric clinic evaluated Carnegie. After the evaluation was completed, and based on the clinic's report, the trial court found Carnegie competent.

{¶ 12} The trial court sentenced Carnegie to 12 months on the weapons charge and ten years on each of the two rape counts. The court ordered the rape counts to be served consecutively to each and concurrently with the sentence for

having weapons while under disability for a total 20-year sentence. Carnagie appeals, presenting a sole assignment of error challenging the consecutive nature of his sentence.

Law and Analysis

{¶ 13} We review the imposition of consecutive sentences using the standard set forth in R.C. 2953.08. *State v. Shephard*, 2024-Ohio-2010, ¶ 26 (8th Dist.). Under R.C. 2953.08(G)(2), an appellate court can overturn the imposition of consecutive sentences if the appellate court, upon review, clearly and convincingly finds that “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.” *Shephard* at *id.*, quoting *State v. Jones*, 2024-Ohio-1083, ¶ 12. “In order to reverse the imposition of consecutive sentences, the defendant must demonstrate that the consecutive sentences are clearly and convincingly not supported by the record. R.C. 2953.08(G)(2).” *State v. Stiver*, 2024-Ohio-65, ¶ 17 (8th Dist.).

{¶ 14} A trial court can impose consecutive sentences by finding 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. R.C. 2929.14(C)(4).

{¶ 15} 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. Bonnell*, 2014-Ohio-3177, syllabus. A trial court “has no obligation to state reasons to support its findings.” *Id.* at ¶ 37. However, a reviewing court must be able to determine from the record evidence to support the trial court's findings. *Id.* at ¶ 29.

{¶ 16} In imposing consecutive terms, the trial court stated the following on the record at the sentencing hearing:

So Counts One and Six in case number 700635 will be run consecutive to one another. The Court imposes a prison term consecutively finding that consecutive service is necessary to protect the public from future crime and to punish the defendant.

That consecutive sentences are not disproportionate to the seriousness of the defendant's conduct and to the danger the defendant imposes to the public, and that at least two of the multiple offenses were committed in this case as part of one or more courses of conduct, and that the harm caused by the multiple 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 reflect the seriousness of the offender's conduct.

Mr. Carnegie, you stole the dignity from three different women within a month and a half period of time. Strangers walking down the street. So you will be sentenced accordingly.

Tr. 103-104.

{¶ 17} The trial court incorporated the above-quoted consecutive-sentence findings into its judgment of conviction and added this additional finding: “Defendant’s history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant.”

{¶ 18} Carnagie acknowledges that the trial court made the requisite consecutive-sentence findings, but contends that “the imposition of consecutive sentences is clearly and convincingly not supported by the record as required by the law set forth in R.C. 2953.08(G).” (Appellant’s brief, p. 13.) According to Carnagie, “The 20-year consecutive sentence is in excess of what is necessary to incapacitate the offender, deter him from committing future crime, and to rehabilitate him.” *Id.* Carnagie specifically raises concerns about what he believes was the trial court’s lack of consideration regarding his mental acuity.

{¶ 19} The record demonstrates that trial court considered the following prior to imposing its sentence on Carnagie: statements made in open court, including from the victims’ advocate, the plea negotiations, the presentence-investigation report, the competency report, the defense’s mitigation report, and a letter from Carnagie’s mother. *See* tr. 96-98. Thus, the trial court did consider Carnagie’s mental acuity.

{¶ 20} But more importantly for our consideration, the factors Carnagie contends the trial court did not give enough weight to are factors set forth under

R.C. 2929.12(C)(4) — factors offering grounds to mitigate an offender’s conduct although not enough to constitute a complete defense. The Supreme Court of Ohio has held that R.C. 2929.11 and 2929.12 apply only to individual sentences; R.C. 2953.08(G)(2)(a) and 2929.14(C) set forth the exclusive means of appellate review of consecutive sentences. *State v. Gwynne*, 2019-Ohio-4761, ¶ 16-17. Thus, these factors are not for our consideration in this challenge to the trial court’s imposition of consecutive sentences.

{¶ 21} In reviewing under R.C. 2953.08(G)(2)(a), we are unable to clearly and convincingly find that the record does not support the trial court’s consecutive-sentence findings. In a one-and-a-half month period, Carnagie raped three different women. During one rape, Carnagie had a gun, and during another rape, he had a knife. The facts support the trial court’s findings that consecutive terms were necessary to protect the public from future crime and to punish Carnagie. They were not disproportionate to the seriousness of his conduct and to the danger imposed to the public.

{¶ 22} The record also supports the trial court’s finding that the offenses were committed in this case as part of one or more courses of conduct and that the harm caused by the multiple 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 reflect the seriousness of the offender’s conduct.

{¶ 23} Moreover, this court has repeatedly found that “consecutive sentences are appropriate where there are multiple victims in order to ‘hold the defendant

accountable for crimes committed against each victim.” *State v. Akins*, 2025-Ohio-5632, ¶ 54 (8th Dist.), quoting *State v. Thome*, 2017-Ohio-963, ¶ 16 (8th Dist.). In *State v. Sparks*, 2024-Ohio-2362 (8th Dist.), the court found that “[t]he harm suffered by each of the victims clearly factored into the trial court’s decision to impose consecutive sentences.” *Id.* at ¶ 18. Likewise, here, the trial court considered that Carnagie offended against three victims, stating, “Mr. Carnagie, you stole the dignity from three different women within a month and a half period of time. Strangers walking down the street. So you will be sentenced accordingly.” Tr. 103-104.

{¶ 24} The trial court made all the statutorily required findings for the imposition of consecutive sentences, and we are unable to clearly and convincingly find that the record does not support the court’s findings.¹

{¶ 25} Finally, we consider Carnagie’s contention that the consecutive sentences should be overturned because the trial court included the extra finding about his criminal history in its judgment of conviction — a finding it did not state on the record at the sentencing hearing.

{¶ 26} A finding that a defendant’s criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant is *one* of the three findings a trial court may make under R.C. 2929.14(C)(4) in imposing consecutive terms. Any one (or more than one) of

¹ The trial court referenced that Carnagie had a prior conviction — for a sexual assault in another jurisdiction — in considering whether Carnagie’s conduct was more serious and the likelihood of him recidivating. *See* tr. 99.

the findings under R.C. 2929.14(C)(4), along with the other required consecutive-sentencing findings, would satisfy the statutory requirements.

{¶ 27} As discussed, the trial court here made a finding under R.C. 2929.14(C)(4)(b) that

at least two of the multiple offenses were committed in this case as part of one or more courses of conduct, and that the harm caused by the multiple 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 reflect the seriousness of the offender's conduct.

Tr. 103.

{¶ 28} Because only one finding under R.C. 2929.14(C)(4) was required, and the trial court made one finding both at the sentencing hearing and in its judgment of conviction, there was no error. *See State v. McDew*, 2025-Ohio-1270 (5th Dist.) (affirming imposition of consecutive sentences where trial court made two of the findings under R.C. 2929.14(C)(4) on the record and included the third finding in its judgment of conviction).

{¶ 29} In sum, the trial court did not err by sentencing Carnagie to consecutive terms. The sole assignment of error is overruled.

{¶ 30} Judgment 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. 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.

MICHAEL JOHN RYAN, JUDGE

EILEEN T. GALLAGHER, P.J., and
TIMOTHY W. CLARY, J., CONCUR