

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	No. 115599
	:	
v.	:	
	:	
DEVANTE JONES,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED IN PART, VACATED IN PART
AND REMANDED
RELEASED AND JOURNALIZED: September 17, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-25-698347-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting
Attorney, and Sean Drake and Michael Timms, Assistant
Prosecuting Attorneys, *for appellee*.

Kimberly Kendall Corral, *for appellant*.

EILEEN A. GALLAGHER, J.:

{¶ 1} Devante Jones (“Jones”) appeals his convictions and sentence after having pled guilty to attempted vehicular assault and failure to stop after an accident. For the following reasons, we affirm Jones’ convictions and prison

sentence, vacate his driver's license suspension and remand this case to the trial court for resentencing on the limited issue of a driver's license suspension in accordance with R.C. 4549.02(B)(4).

I. Facts and Procedural History

{¶ 2} On May 6, 2023, Jones drove a stolen 2014 Honda ATV on E. 169th Street in Cleveland at night. The ATV, which was not registered to be driven on public roads, had no working headlights. Valarie Billings ("Billings") was riding on the back of the ATV at the time. An accident occurred involving the ATV, and Jones and Billings were injured. Jones fled the scene of the accident, without calling 911 or the police, leaving Billings on the ground, injured.

{¶ 3} On January 3, 2025, Jones was arrested and, on January 21, 2025, he was indicted for vehicular assault and failure to stop after an accident. On July 16, 2025, Jones pled guilty to attempted vehicular assault, a fourth-degree felony, in violation of R.C. 2923.02 and 2903.08(A)(2), and failure to stop after an accident, a fifth-degree felony, in violation of R.C. 4549.02(A)(1)(a). On August 20, 2025, the court sentenced Jones to 18 months in prison for attempted vehicular assault and 12 months in prison for failure to stop after an accident. The court ran these consecutively for an aggregate sentence of 30 months in prison.

{¶ 4} Jones appeals raising six assignments of error for our review:

I. The trial court erred when it failed to inform appellant of the effect of a guilty plea in violation of Crim.R. 11.

II. Appellant's plea[] was not knowingly[,] intelligently, and voluntarily made where the trial court failed to inform appellant of the effect of a guilty plea.

III. The trial court abused its discretion when it pronounced its issuance of consecutive sentences prior to affording appellant the right to [allocute].

IV. The trial cour[t] abused its discretion when it announced that it was “not interested” in hearing from defense mitigation witnesses at sentencing.

V. The trial court abused its discretion where imposition of maximum sentences is not supported by the record.

VI. The trial court committed plain error when it entered a judgment entry suspending appellant[']s license for three years where the record does not establish that the trial court sentenced appellant to a term of license suspension.

{¶ 5} For ease of discussion, we review Jones’ first two assignments of error together because they challenge his guilty plea and the remaining four assignments of error will be addressed together because they challenge his sentence.

II. Guilty Plea

{¶ 6} In his first two assignments of error, Jones argues that his plea was not knowingly, voluntarily or intelligently made because the trial court failed to inform him of the effect of a guilty plea pursuant to Crim.R. 11. The Ohio Supreme Court recently addressed the following issue, which controls the disposition of these two assignments of error: “[W]hether a plea is rendered invalid when a trial court fails to inform a defendant that a guilty plea is a complete admission of guilt.” *State v. Fontanez*, 2026-Ohio-3281, ¶ 2. The *Fontanez* Court held that “the term ‘guilty’ is a commonly understood term that implies a complete admission of guilt. Absent a defendant’s assertion of actual innocence, a court may presume that a defendant understands that a guilty plea is a complete admission of guilt, and a plea is not

rendered invalid by the court’s omission of this common definition alone.” *Id.* at ¶ 3.

{¶ 7} Jones’ challenge to his guilty plea is based solely on the specific argument isolated in *Fontanez*. Jones makes no argument on appeal concerning the trial court’s compliance with any other portion of Crim.R. 11, which governs guilty pleas. Therefore, we find it unnecessary to conduct a comprehensive analysis of Crim.R. 11. See *Epcon Communities Franchising, L.L.C. v. Wilcox Dev. Group, L.L.C.*, 2024-Ohio-4989, ¶ 15 (“[O]ur judicial system relies on the principle of party presentation, and courts should ordinarily decide cases based on issues raised by the parties.”).

{¶ 8} Our review of the record in this case shows that Jones did not assert a claim of actual innocence. Therefore, under *Fontanez*, the court did not err when it failed to inform Jones that his guilty plea was a complete admission of guilt. Jones’ first and second assignments of error are overruled.

III. Felony Sentence

{¶ 9} Pursuant to Crim.R. 32(A)(1)-(3), at the imposition of a felony sentence, the court shall allow defense counsel to speak and personally ask the defendant if he or she wishes to make a statement or present any information in mitigation of punishment, allow the prosecutor to speak and allow the victim or the victim’s representative to speak. Pursuant to R.C. 2929.19(A), at a sentencing hearing, “the offender, the prosecuting attorney, the victim or the victim’s representative . . . and, with approval of the court, any other person may present

information relevant to the imposition of sentence in the case.” Additionally, pursuant to R.C. 2929.19(B)(1)(a), before imposing a sentence at the sentencing hearing, the court shall consider the record, any information presented by anyone pursuant to R.C. 2929.19(A), the presentence-investigation report and any victim impact statement.

{¶ 10} In Jones’ third assignment of error, he argues that the trial court erred when it “announced a consecutive sentence prior to Appellant’s allocution.” According to Jones, this violated Crim.R. 32(A) and R.C. 2929.19(A) and (B). We note that in his appellate brief under this assignment of error, Jones alternates stating that the court “announced” and “pronounced” consecutive sentences prior to affording him the right to speak. Jones does not allege that the court *imposed* the sentence prior to affording him his allocution rights.

{¶ 11} Our review of the transcript from Jones’ sentencing hearing shows that no violation of Crim.R. 32 or R.C. 2929.19 occurred. At the sentencing hearing and prior to imposing the sentence, the court discussed Jones’ presentence-investigation report and heard from defense counsel, the prosecutor and the victim. The court declined to hear from Jones’ friends and family. The court then asked Jones, “Is there anything you’d like me to know before I sentence you to consecutive time?” Jones made a statement on the record and the court imposed a consecutive prison sentence.

{¶ 12} In other words, Jones’ sentencing hearing transcript shows that the court imposed the consecutive sentence after Jones’ allocution, which is contrary to

what Jones alleges occurred in his third assignment of error. We acknowledge that the court indicated it would impose consecutive sentences prior to allocution, but the criminal rules and statutes do not prohibit this. Jones cites no law supporting his argument that stating an intention to impose a particular sentence — rather than actually imposing the sentence — triggers the mandates of Crim.R. 32 and R.C. 2929.19. *Contra State v. Montanez-Roldon*, 2016-Ohio-3062, ¶ 4-5 (8th Dist.) (“Whatever was the trial court’s intention with respect to the aggregate sentence, it must be set aside. . . . A trial court speaks through its journal” entry.). Because Jones’ third assignment of error is based on something allowed under the law, we cannot find that the court erred. Jones’ third assignment of error is overruled.

{¶ 13} In Jones’ fourth assignment of error, he argues that the court abused its discretion when it declined to hear from Jones’ friends and family at his sentencing hearing. As stated, the law says that “with approval from the court, any other person may present information relevant to the imposition of sentence in the case.” Jones acknowledges that it is within the court’s discretion to allow, or deny, “any other person” to speak but argues that the “record supports an abuse of discretion through the court’s stated lack of interest.” Specifically, Jones’ defense counsel asked the court if it would allow one of Jones’ “employees, friends, and family” to speak on behalf of Jones. The court answered, “No, I’m not interested in hearing from them.”

{¶ 14} To support his argument that the court abused its discretion, Jones cites *State v. Isom*, 2024-Ohio-5438, ¶ 20, 21 (11th Dist.). In *Isom*, the court found

that the defendant “has failed to show the trial court abused its discretion” when it did not allow his friends and family to speak at his sentencing hearing. *Id.* at ¶ 22. It is not apparent how Jones believes this case helps him on appeal. Just as in *Isom*, Jones failed to show that the court abused its discretion at his sentencing hearing. Accordingly, we overrule Jones’ fourth assignment of error.

{¶ 15} In his fifth assignment of error, Jones argues that the “trial court abused its discretion where imposition of maximum sentences is not supported by the record.” According to Jones, he “can demonstrate that the trial court did not consider the factors of R.C. 2929.11 and 2929.12 by looking at the facts in the record.”

{¶ 16} Initially, pursuant to R.C. 2953.08(G)(2), which governs the appellate standard of review for felony sentencing, “the appellate court’s standard is not whether the sentencing court abused its discretion” *State v. DeJesus*, 2024-Ohio-955, ¶ 6 (8th Dist.). Second, in *State v. Jones*, 2020-Ohio-6729, ¶ 39, the Ohio Supreme Court held that R.C. 2953.08(G)(2) “does not provide a basis for an appellate court to modify or vacate a sentence based on its view that the sentence is not supported by the record under R.C. 2929.11 and 2929.12.”

{¶ 17} Given that Jones’ argument in his fifth assignment of error is not an issue for which we may grant relief, this assignment of error is overruled.

{¶ 18} In his sixth and final assignment of error, Jones argues that the court erred by issuing a judgment entry suspending his driver’s license when the court did

not impose a driver's license suspension at the sentencing hearing. We find merit to Jones' argument under this assignment of error.

{¶ 19} At Jones' plea hearing, the court asked Jones if he understood that, by pleading guilty, his driver's license would be suspended for a period between six months and three years as part of his sentence. Jones replied that he understood. At the sentencing hearing, however, the court did not impose a driver's license suspension nor did it even mention it. The August 20, 2025 sentencing journal entry states: "[D]river's license suspension until 08/20/2028."

{¶ 20} On appeal, the State concedes this error. Additionally, Jones agrees with the State that this matter must be remanded to the trial court for resentencing concerning the limited issue of a driver's license suspension. Accordingly, Jones' sixth assignment of error is sustained.

{¶ 21} Judgment affirmed in part and vacated in part. Case remanded to the trial court for resentencing on the limited issue of a driver's license suspension.

It is ordered that parties share the 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 convictions having been affirmed, any bail pending appeal is terminated.

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

EILEEN A. GALLAGHER, JUDGE

DEENA R. CALABRESE, P.J., and
TIMOTHY W. CLARY, J., CONCUR