

STATE OF OHIO)
)ss:
COUNTY OF LORAIN)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

Appellee

v.

BRANDON J. RYAN

Appellant

C.A. Nos. 25CA012319
 25CA012320
 25CA012321

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF LORAIN, OHIO
CASE Nos. 24CR112364
 24CR112365
 25CR112922

DECISION AND JOURNAL ENTRY

Dated: September 8, 2026

STEVENSON, Judge.

{¶1} Defendant-Appellant Brendan Ryan appeals from the final judgment and sentence issued by the Lorain County Court of Common Pleas. This Court affirms.

I.

{¶2} This appeal arises from three separate cases. Case Nos. 24CR112364 (“364”) and 24CR11365 (“365”) involve events that occurred on August 22, 2024. On that date, several Elyria Police Officers were observing a known drug house near State Route 57 in Elyria. The officers saw Mr. Ryan conduct what they believed was a drug deal then leave the residence in his vehicle. There were two passengers in the vehicle. The officers began following Mr. Ryan and attempted to stop him, but upon seeing the officers, Mr. Ryan decided to flee. After weaving in and out of heavy afternoon traffic on Route 57 at 87 miles per hour then running a red light at the intersection

of Griswold Rd., Mr. Ryan struck R.V.'s vehicle as R.V. was making a left turn. Mr. Ryan's two passengers, M.I. and T.S., were killed, and R.V. sustained debilitating injuries that will require years of rehabilitation. Mr. Ryan was also seriously injured and as of sentencing was still in a wheelchair.

{¶3} The 364 case was investigated by the Elyria Police Department, and the 365 case was investigated by the Ohio State Highway Patrol, necessitating two separate presentations to the grand jury. In the 364 case, Mr. Ryan was indicted on one count of failure to comply with an order or signal of a police officer in violation of R.C. 2921.331(B), a third-degree felony; one count of trafficking in drugs in violation of R.C. 2925.03(A)(2), a third-degree felony; one count of possession of drugs in violation of R.C. 2925.11(A), a third-degree felony; one count of failure to comply with an order or signal of a police officer in violation of R.C. 2921.331(B), a fourth-degree felony; one count of trafficking in cocaine in violation of R.C. 2925.03(A)(2), a fourth-degree felony; one count of possession of cocaine in violation of R.C. 2925.11(A), a fourth-degree felony; one count of trafficking in a fentanyl-related compound in violation of R.C. 2925.03(A)(2), a fifth-degree felony; one count of possession of a fentanyl-related compound in violation of R.C. 2925.11(A), a fifth-degree felony; and one count of possessing criminal tools in violation of R.C. 2923.24(A), a fifth-degree felony.

{¶4} Mr. Ryan pled guilty to the indictment. The trial court merged counts one and four, two and three, five and six, and seven and eight, and the State elected to proceed on counts one, two, five, and seven. Mr. Ryan was sentenced to twenty-four months mandatory on count one; twelve months on count two; and six months on counts five, seven, and nine. Counts two, five, seven, and nine ran concurrent to each other but consecutive to count one for a minimum sentence of three years in prison.

{¶5} In the 365 case, Mr. Ryan was indicted on two counts of aggravated vehicular homicide in violation of R.C. 2903.06(A)(1), a first-degree felony; two counts of aggravated vehicular homicide in violation of R.C. 2903.06(A)(2)(a), a second-degree felony; one count of aggravated vehicular assault in violation of R.C. 2903.08(A)(1)(a), a second-degree felony; one count of vehicular assault in violation of R.C. 2903.08(A)(2)(b), a third-degree felony; one count of operating a vehicle under the influence of alcohol (“OVI”), a drug of abuse or a combination of them, in violation of R.C. 4511.19(A)(1)(a), an unclassified misdemeanor; one count of OVI in violation of R.C. 4511.19(A)(1)(a), an unclassified misdemeanor; and one count of driving under suspension or in violation of license restriction in violation of R.C. 4510.11(A), a first-degree misdemeanor.

{¶6} Mr. Ryan pled guilty to the indictment. The trial court merged counts one and three, two and four, five and six, and seven and eight, and the State elected to proceed on counts one, two, five, and seven. Mr. Ryan was sentenced to eight years mandatory on counts one and two; four years mandatory on count five; and 180 days of local incarceration on counts eight and nine. The trial court ran counts one, two, and five consecutive to one another for a mandatory minimum term of twenty years and twenty-four years maximum.

{¶7} The third case, number 25CR112922 (“922”), arose from an incident in July 2022 when Mr. Ryan attempted to elude the Elyria Police while on a bicycle. When the officers caught up with him, Mr. Ryan fled and attempted to hide in nearby bushes but was apprehended and taken into custody. The officers observed Mr. Ryan drop two bags as he jumped off the bike. A search of the bags revealed drug paraphernalia and pieces of folded paper containing a white powder that tested positive for controlled substances.

{¶8} Mr. Ryan was indicted on one count of possession of cocaine in violation of R.C. 2925.11(A), a fifth-degree felony; one count of possession of a fentanyl-related compound in violation of R.C. 2925.11(A), a fifth-degree felony; one count of failure to comply with an order or signal of a police officer in violation of R.C. 2921.331(A), a first-degree misdemeanor; and one count of possessing drug abuse instruments in violation of R.C. 2925.12(A), a second-degree misdemeanor. Mr. Ryan pled guilty, and at sentencing the trial court merged counts one and four with the State electing on count one. Mr. Ryan was sentenced to 12 months on counts one and two to run concurrent with one another and was issued a fine on count three.

{¶9} Altogether, the trial court's sentences for each of the cases were run consecutively for an aggregate term of a minimum of 24 years and a maximum term of 28 years. Nine days prior to sentencing, Mr. Ryan moved to withdraw his plea. The State responded in opposition. The court heard the matter and denied the motion, finding that Mr. Ryan did not have a reasonable and legitimate basis to withdraw his plea.

{¶10} When Mr. Ryan committed the crimes in the 364 and 365 cases, he was already under community control in four other prior cases and had a warrant out for his arrest for violating his community control sanctions. Those four community control cases were transferred to the trial judge overseeing the three instant cases. Mr. Ryan did not challenge the community control violations. There was discussion between counsel and the court about dismissing the community control cases, but the State did not dismiss the charges. The court imposed a prison sentence for each community control violation with an aggregate sentence of twelve years in prison. Those sentences were to run concurrently with the sentences in the 364, 365, and 922 cases.

{¶11} After sentencing, the trial court realized that it had failed to properly advise Mr. Ryan of his post-release control conditions and the consecutive sentences. It corrected the errors

at a re-sentencing hearing on July 21, 2025. Mr. Ryan timely appealed his sentence and submits three assignments of error for our review.

II.

ASSIGNMENT OF ERROR I.

THE TRIAL COURT’S IMPOSITION OF MAXIMUM AND CONSECUTIVE SENTENCES TOTALING 24-28 YEARS IS UNCONSTITUTIONAL AND CONTRARY TO LAW.

{¶12} Mr. Ryan argues under his first assignment of error that the trial court failed to make the required findings under R.C. 2929.14(C)(4) at the sentencing hearing, and thus, the consecutive sentences imposed are not supported by the record and are contrary to law. He maintains that the court did not adequately explain why consecutive sentences were necessary to achieve the purposes of sentencing.

{¶13} Mr. Ryan also argues that he received a harsher punishment and was sentenced on the community control cases because he “exercise[d] . . . his right to file a motion to withdraw his plea.” He maintains that the court was concerned about being reversed on appeal and wanted an insurance policy that Mr. Ryan would still be serving a prison term even if this Court granted him relief on the appeal currently before this Court. However, Mr. Ryan’s notice of appeal did not include an appeal from his sentences in those community control violation cases. Therefore, that issue is not properly before us.

{¶14} This Court may modify or vacate consecutive sentences “only if it determines by clear and convincing evidence that the record does not support the trial court's findings under relevant statutes or that the sentence is otherwise contrary to law.” *State v. Marcum*, 2016-Ohio-1002, ¶ 1; *accord State v. Gwynne*, 2023-Ohio-3851, ¶ 13. “Clear and convincing evidence is that measure or degree of proof which will produce in the mind of the trier of facts a firm belief or

conviction as to the allegations sought to be established.” *Cross v. Ledford*, 161 Ohio St. 469, 477 (1954).

{¶15} To impose consecutive sentences, “a trial court is required to make the findings mandated by R.C. 2929.14(C)(4) at the sentencing hearing and incorporate its findings into its sentencing entry” *State v. Bonnell*, 2014-Ohio-3177, syllabus. The court is not required to explain its findings or include “‘a word-for-word recitation of the language of the statute’” *State v. Brundage*, 2020-Ohio-653, ¶ 17 (9th Dist.), quoting *Bonnell* at ¶ 29. Nevertheless, a reviewing court must be able to “discern that the trial court engaged in the correct analysis” and conclude “that the record contains evidence to support the [trial court's] findings[.]” *Bonnell* at ¶ 29. “If it is impossible to discern whether the trial court engaged in the correct analysis or made the required statutory findings, the imposition of consecutive sentences must be reversed, and the matter must be remanded for resentencing so that the trial court ‘can properly consider R.C. 2929.14(C)(4) and make the necessary findings.’” *State v. Gales*, 2022-Ohio-776, ¶ 38 (9th Dist.), quoting *State v. Callaghan*, 2021-Ohio-1047, ¶ 24-25 (9th Dist.).

{¶16} The trial court specifically addressed consecutive sentencing at Mr. Ryan’s second sentencing hearing. The court stated that:

consecutive sentences are necessary to protect the public from future crime and to punish the Defendant. Consecutive sentences are not disproportionate to the seriousness of this Defendant’s conduct and to the danger which he poses to the public. The Defendant committed the multiple offenses on the last three cases while under community control. The harm caused by these multiple offenses was so great or unusual that no single prison sentence for the offenses committed is part of a single course of conduct adequately reflects the seriousness of the Defendant’s conduct. Obviously, two people were killed and one person seriously injured. The Defendant’s history of criminal conduct also demonstrates consecutive sentences are necessary to protect the public from future crime by this Defendant.

{¶17} Thus, although it was not required to do so, the trial court explained its rationale for imposing consecutive sentences. *See Brundage* at ¶ 17, quoting *Bonnell* at ¶ 29. The trial court

clearly outlined its concerns regarding Mr. Ryan’s criminal history and the fact that two people were killed and another gravely injured. Further, in its sentencing entries, the trial court likewise made the appropriate findings under R.C. 2929.14(C)(4).

{¶18} Accordingly, upon review, we cannot say that the record does not clearly and convincingly support the trial court's imposition of consecutive sentences. *See Marcum*, 2016-Ohio-1002, at ¶ 1; *Gwynne*, 2023-Ohio-3851, at ¶ 13. Mr. Ryan’s first assignment of error is overruled.

ASSIGNMENT OF ERROR II.

THE TRIAL COURT ERRED IN FAILING TO GRANT MR. RYAN’S MOTION TO WITHDRAW HIS GUILTY PLEA.

{¶19} In this assignment of error, Mr. Ryan argues that the trial court erred by denying his presentence motion to withdraw his guilty plea. He maintains that his counsel was ineffective because he had not received full discovery to determine if there was a potential defense; he was rushed into a plea by his counsel before reviewing all the discovery; he is illiterate and did not understand the proceedings, the nature of the charges, or the potential sentences; and he had always intended to go to trial before the unscheduled plea hearing. This Court disagrees.

{¶20} Under Criminal Rule 32.1, “[a] motion to withdraw a plea of guilty . . . may be made only before sentence is imposed; but to correct manifest injustice the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw his or her plea.” There is no “absolute right” to withdraw a guilty plea before sentencing. *State v. Xie*, 62 Ohio St.3d 521 (1992), paragraph one of the syllabus. “Nevertheless, motions filed before sentencing should be granted ‘freely and liberally[.]’” *State v. Gove*, 2025-Ohio-701, ¶ 13 (9th Dist.), quoting *Xie* at 527. A trial court must conduct a hearing to “‘determine whether there is a reasonable and legitimate basis for the withdrawal of the plea.’” *State v. Benson*, 2017-Ohio-8150, ¶ 7 (9th Dist.),

quoting *Xie* at paragraph one of the syllabus. However, it is within the trial court's discretion to determine the nature and scope of that hearing. *Lorain v. Price*, 1996 WL 556916, *2 (9th Dist. Oct. 2, 1996).

{¶21} The defendant bears the burden of demonstrating that there is a reasonable and legitimate basis for withdrawing the plea. *State v. Jones*, 2012-Ohio-6150, ¶ 37 (9th Dist.). “The determination of whether to grant a presentence motion to withdraw a guilty plea is entrusted to the discretion of the trial court, and this Court reviews that decision for an abuse of discretion.” *Gove* at ¶ 13. “An abuse of discretion is something more than an error of law or in the exercise of judgment[.]” *In re B.T.*, 2025-Ohio-4545, ¶ 8 (9th Dist.). “[I]t implies that the court’s attitude is unreasonable, arbitrary or unconscionable.” *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

{¶22} In addition, we have required that a trial court's decision regarding a presentence motion to withdraw a guilty plea also take into consideration “the facts and circumstances of each case.” *State v. West*, 2005-Ohio-990, ¶ 23 (9th Dist.) quoting *State v. Pamer*, 2004-Ohio-7190, ¶ 11 (9th Dist.). “Therefore, this Court must also take those same facts and circumstances into consideration as we review the trial court's decision.” *West* at ¶ 23, citing *Pamer* at ¶ 11.

{¶23} Mr. Ryan has not established that the trial court abused its discretion in denying his motion to withdraw his plea. When he entered his plea, Mr. Ryan was afforded a full hearing and was given multiple opportunities to inquire of the court if he had any questions. He was represented by counsel and stated that he was satisfied with his counsel’s legal services. He represented to the court that he could read and write the English language, and that he understood the nature of the charges, the potential sentence, and the rights that he was waiving.

{¶24} Mr. Ryan was also provided with a full hearing on his motion to withdraw and both he and his counsel were given the opportunity to fully explain the reasons for the motion. The primary reason expressed during the hearing was that Mr. Ryan had time to sit in jail and contemplate the potential length and reality of his sentence. He did not contend that he was innocent of the charges or had some valid defense. To the contrary, Mr. Ryan did not challenge the prosecution's statement to the court that during his jail calls he blamed the police for chasing him in the first place and his fellow passengers for encouraging him to flee rather than deny that he was guilty.

{¶25} Mr. Ryan represented at the hearing on the motion to withdraw that he is illiterate and required assistance from his fellow inmates to read the discovery. However, this contradicts his own statements at the plea hearing that he could read and write. Also, the PSI report indicates that he was uncooperative and refused to complete the PSI questionnaire because he was illiterate, yet his probation officer was unaware of it and Mr. Ryan completed the court-supervised release long form in 2021 without any noted problems. Mr. Ryan also stated that he did not have an opportunity to review the evidence with his attorney prior to entering the plea and that his counsel "had only about 20 minutes of communication [with him]" [in] over a year[.]" However, this contradicts his statements to the court during the plea colloquy that he was satisfied with his counsel's representation. He does not argue that counsel dissuaded him from reviewing the evidence together prior to pleading or that any of the discovery would likely result in potentially exculpatory or mitigating evidence. Furthermore, he did not request new counsel to represent him for his motion to withdraw his plea despite his claims of counsel's ineffectiveness. The trial court was not required to find his claims at his hearing on the motion to withdraw credible when they were contradicted by his comments at the plea hearing.

{¶26} Mr. Ryan was afforded a full plea hearing and change of plea hearing, was represented by competent counsel, and was provided with an opportunity to address the court and make arguments in support of a withdrawal of his plea. The trial court did not find his claims credible. Although presentence motions should be “freely and liberally granted,” we cannot conclude that the trial court abused its discretion by determining that Mr. Ryan failed to present a reasonable and legitimate basis for withdrawing his plea. *See Xie*, 62 Ohio St.3d 521, at paragraphs one and two of the syllabus. Mr. Ryan’s second assignment of error is overruled.

ASSIGNMENT OF ERROR III.

MR. RYAN WAS DENIED HIS RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL WHICH RESULTED IN AN INVOLUNTARY PLEA.

{¶27} Here, Mr. Ryan argues that his plea was not knowingly or voluntarily made and was involuntarily induced by the deficient performance of his trial counsel. In support he states that he was not afforded the opportunity to review the evidence with his counsel prior to entering his plea; specifically, that he only spent 20 minutes with counsel over the course of the past year and was confused about the plea proceedings. He also argues that due to his illiteracy he was forced to rely on his fellow inmates to read and interpret documents.

{¶28} To prevail on a claim of ineffective assistance of counsel, Mr. Ryan must establish (1) his counsel's performance was deficient to the extent that “counsel was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment” and (2) counsel's deficient performance prejudiced the defense. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). A deficient performance is one that “fall[s] below an objective standard of reasonable representation[.]” *State v. Bradley*, 42 Ohio St.3d 136 (1989), paragraph two of the syllabus. “[I]n Ohio, a properly licensed attorney is presumed competent.” *State v. Gondor*, 2006-Ohio-6679, ¶ 62. In addition, to establish prejudice, Mr. Ryan must show that there existed “a reasonable

probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” *Strickland* at 694; *State v. Sowell*, 2016-Ohio-8025, ¶ 138. Both prongs under *Strickland* must be established to support an ineffective assistance of counsel claim. *Strickland* at 687. “An error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment.” *Id.* at 691.

{¶29} First, Mr. Ryan’s allegations against his counsel are not supported by evidence of record. His claim that counsel did not visit him, did not provide discovery, nor explain the ramifications of the charges he was facing are not reflected in the record in this appeal. *See, e.g., State v. Troyer*, 2022-Ohio-1903, ¶ 9-12 (9th Dist.) (ineffective assistance claims not properly raised on direct appeal because they were based on suppositions not reflected in the record).

{¶30} Second, Mr. Ryan’s arguments here are duplicative of his arguments under his first assignment of error. For the same reasons set forth in our analysis under the first assignment of error, Mr. Ryan failed to establish that his plea was not made voluntarily, intelligently and knowingly. Even if counsel’s performance had been deficient in the manner alleged, Mr. Ryan is unable to establish prejudice as a result. Mr. Ryan does not allege that if he had gone to trial the outcome would have likely been different or if he had been given the chance to further consult with counsel or conduct a fuller review of all the discovery he would not have entered a plea. If Mr. Ryan had a defense to the charges or if there were mitigating factors with respect to his sentence, he does not identify them.

{¶31} As both prongs of the *Strickland* test must be met to establish ineffective assistance of counsel, Mr. Ryan cannot support his claim here. Mr. Ryan’s third assignment of error is overruled.

III.

{¶32} Mr. Ryan's assignments of error are overruled. The judgment of the Lorain County Court of Common Pleas is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Lorain, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

SCOT STEVENSON
FOR THE COURT

FLAGG LANZINGER, P. J.
SUTTON, J.
CONCUR.

APPEARANCES:

DENISE G. WILMS, Attorney at Law, for Appellant.

ANTHONY CILLO, Prosecuting Attorney, and SPENCER J. LUCKWITZ, Assistant Prosecuting Attorney, for Appellee.