

STATE OF OHIO)
)ss:
COUNTY OF LORAIN)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

IN RE: A.M.

C.A. No. 25CA012359

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF LORAIN, OHIO
CASE No. 25JD70958

DECISION AND JOURNAL ENTRY

Dated: September 30, 2026

SUTTON, Judge.

{¶1} Defendant-Appellant A.M. appeals the judgment of the Lorain County Court of Common Pleas, Juvenile Division. For the reasons that follow, this Court reverses and remands this matter to the trial court.

I.

Relevant Background Information

{¶2} A.M., a juvenile, was charged in the juvenile court with three counts of rape, felonies of the first degree; six counts of extortion, felonies of the third degree; two counts of pandering sexually oriented material involving a minor, felonies of the second degree; two counts of sexual battery, felonies of the third degree; tampering with evidence, a felony of the third degree; and obstruction of justice, a felony of the fifth degree.

{¶3} A.M. entered an admission to an amended complaint, admitting to: one count of extortion, in violation of R.C. 2905.11(A)(5), a felony of the third degree; one count of pandering

sexually oriented material involving a minor, in violation of R.C. 2907.322(A)(5), a felony of the fourth degree; two counts of sexual battery, in violation of R.C. 2907.02(A)(1), felonies of the third degree; and one count of tampering with evidence, in violation of R.C. 2921.12(A)(1), a felony of the third degree. The State dismissed the balance of the charges.

{¶4} The matter proceeded to disposition, and the trial court ordered A.M. to be committed to the Ohio Department of Youth Services (“ODYS”). The disposition included consecutive terms of commitment to ODYS, for an aggregate commitment of a minimum of two years, up to A.M.’s 21st birthday. However, the trial court erroneously committed A.M. on the second-degree felony version of pandering with which he was originally charged instead of the fourth-degree felony version of pandering to which he admitted. The State has conceded that the trial court erred by imposing a disposition on the second-degree felony version of pandering instead of the fourth-degree felony version.

{¶5} A.M. has appealed the imposition of consecutive terms of commitment, raising one assignment of error for our review.

II.

ASSIGNMENT OF ERROR

THE TRIAL COURT ABUSED ITS DISCRETION WHEN IT COMMITTED [A.M.] TO THE CUSTODY OF ODYS FOR CONSECUTIVE SENTENCES WITHOUT CONSIDERING THE OVERRIDING PURPOSE OF JUVENILE SENTENCING OR CONSIDERING ALL THE RELEVANT FACTORS.

{¶6} A.M. argues in his assignment of error that the trial court abused its discretion in imposing consecutive terms of commitment to ODYS.

{¶7} Consecutive periods of commitment are allowed by the Ohio Revised Code. R.C. 2152.17(F) provides in relevant part:

If a child is adjudicated a delinquent child for committing two or more acts that would be felonies if committed by an adult[.] . . . the court may order that all of the periods of commitment imposed under those sections for those acts be served consecutively in the legal custody of the department of youth services[.]

The trial court found in its judgment entry committing A.M. to ODYS that it was necessary to make the period of commitment on the pandering count and the periods of commitment on the sexual battery counts consecutive based on its findings. However, one of its findings was that A.M. admitted to the second-degree felony version of pandering, a finding that was erroneous.

{¶8} Therefore, we conclude that this matter must be reversed for the trial court to impose the correct disposition on the fourth-degree felony version of pandering to which A.M. admitted.

{¶9} Further, upon remand from an appellate court, the lower court is required to proceed from the point at which the error occurred. *In re T.M.*, 2025-Ohio-1132, ¶ 23 (9th Dist.) and *Armstrong v. Marathon Oil Co.*, 32 Ohio St.3d 397, 418 (1987). Here, the error occurred when the trial court found that A.M. had admitted to the second-degree felony version of pandering. Because this Court's remand will place the proceedings before the point at which the trial court determined whether to run the sentences consecutively, A.M.'s assignment of error is premature.

III.

{¶10} For the forgoing reasons, A.M.'s assignment of error concerning the imposition of consecutive terms of commitment is overruled as premature. However, due to the error noted above, the judgment of the Lorain County Court of Common Pleas, Juvenile Division, is reversed and remanded for proceedings consistent with this decision.

Judgment reversed and
cause remanded.

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 Appellee.

BETTY SUTTON
FOR THE COURT

HENSAL, P. J.
STEVENSON, J.
CONCUR.

APPEARANCES:

JOSEPH C. PATITUCE, Attorney at Law, for Appellant.

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