# CAPTION: STATE V. MATHEWS

**05-15-24**

APPEAL NO.: C-240016

TRIAL NO.: B-2301853

KEY WORDS: CRIM.R. 11 — PLEA COLLOQUY — CONSECUTIVE SENTENCES — R.C. 2929.14(C)(4) — ALLIED OFFENSE — MERGER — KIDNAPPING — RAPE — REAGAN TOKES LAW

SUMMARY:

 Where the trial court failed to substantially comply with Crim.R. 11(C)(2) by not informing defendant that he was subject to a mandatory prison term but defendant was not prejudiced by the trial court’s omission, defendant’s pleas were entered knowingly, voluntarily, and intelligently.

 Where the trial court failed to make a finding under R.C. 2929.14(C)(4) that defendant’s consecutive sentences were not disproportionate to the seriousness of his conduct and the harm he posed to the public, the trial court erred in imposing consecutive sentences.

 Where defendant’s convictions for kidnapping and rape were committed with a separate animus and motivation, those convictions were not allied offenses subject to merger.

 Where the trial court failed to provide the sentencing notifications set forth in R.C. 2929.19(B)(2)(c)(i)-(v), the trial court did not comply with the requirements of the Reagan Tokes Law, and the cause must be remanded to the trial court to provide the required notifications.

JUDGMENT: AFFIRMED IN PART, REVERSED IN PART, AND CAUSE REMANDED

JUDGES: OPINION by KINSLEY, J.; BERGERON, P.J., and CROUSE, J., CONCUR.