

OHIO FIRST DISTRICT COURT OF APPEALS

an additional count each of breaking and entering and theft, also fifth-degree felonies. In both cases, Milton broke into Over-the-Rhine establishments and stole alcohol.

Milton was initially sentenced to community control in both cases and required to complete treatment at River City Correctional Center. However, he quickly violated his community control.

In the case numbered B-2401924, Milton pleaded to another count of breaking and entering. He was sentenced to community control and ordered to complete treatment at DeCoach Recovery Centre. But he again violated his community control by being charged with breaking and entering in the case numbered B-2502641. That case arose after Milton again entered an Over-the-Rhine restaurant without permission and stole its alcoholic beverages. He pleaded guilty to this offense.

On July 29, 2025, the trial court sentenced Milton on the new breaking and entering charge in the case numbered B-2502641 and on the community control violations in the other three cases. At the hearing, and to his credit, Milton acknowledged his history of substance abuse and alcoholism. His attorney indicated that he had at one point reached a level of sobriety, was employed, and had an apartment, but relapsed when his mother passed away. For its part, the State emphasized the impact Milton's repetitive conduct had on numerous Over-the-Rhine businesses, several of which had closed their doors in recent years due to lost profits from vandalism.

In case numbered B-2502641, the trial court sentenced Milton to 12 months confinement in the Ohio Department of Rehabilitation and Correction. The trial court also imposed 12-month prison sentences in the cases numbered B-2401924 and B-2302357. In case numbered B-2302154, the trial court merged three of the seven counts and sentenced Milton to 12-month sentences on each of the four remaining

OHIO FIRST DISTRICT COURT OF APPEALS

counts. The trial court ordered that each of its 12-month sentences across all four cases run consecutively to the others for an aggregate sentence of eight years. The trial court also ordered restitution.

In his sole assignment of error, Milton argues that the record does not support the trial court’s imposition of consecutive sentences. In particular, Milton challenges the trial court’s finding that consecutive sentences were necessary to protect the public, as Milton’s offenses arose from chemical dependency rather than malintent. While we are sympathetic to Milton’s condition, we disagree with his argument.

We review a trial court’s imposition of consecutive sentences to determine whether the record supports the trial court’s findings. *See State v. Glover*, 2024-Ohio-5195, ¶ 40, citing R.C. 2953.08(G)(2). Only where we clearly and convincingly find that it does not may we modify or reverse consecutive sentences. *Id.* at ¶ 45-46.

To impose consecutive sentences, the trial court “must make the findings specified in R.C. 2929.14(C)(4) and incorporate those findings into its sentencing entry.” *State v. Morris*, 2023-Ohio-4622, ¶ 39 (1st Dist.). Pursuant to R.C. 2929.14(C)(4), the trial court must find that consecutive sentences are necessary to protect the public, not disproportionate to the seriousness of the offenses, and (a) the offender was awaiting trial, under sanction, or under post-release control when they committed the offense, (b) “[a]t least two of the multiple offenses were committed as part of one or more courses of conduct[.],” or (c) the offender’s criminal history shows that consecutive sentencing is necessary to protect the public from the offender’s future acts.

Here, the trial court properly recited the requisite consecutive sentencing findings at the sentencing hearing and included them in its sentencing entry. *See State v. Bonnell*, 2014-Ohio-3177, ¶ 29. More specifically, the trial court concluded that

OHIO FIRST DISTRICT COURT OF APPEALS

consecutive sentences were necessary to protect the public because Milton's attempts at rehabilitation had been unsuccessful and because he continued to offend despite opportunities at treatment. The record supported this finding, as Milton engaged in new criminal conduct several times while on community control and had a lengthy criminal history that included 44 felony convictions.

Therefore, the trial court did not err in imposing consecutive sentences, as its findings under R.C. 2929.14(C)(4) were supported by the record. We accordingly overrule Milton's sole assignment of error and affirm the judgment of the trial court.

The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

ZAYAS and MOORE, JJ., concur.

To the clerk:

Enter upon the journal of the court on 5/6/2026 per order of the court.

By:  _____
Administrative Judge