

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO.	C-250595
Plaintiff-Appellee,	:	TRIAL NO.	B-2405194-B
vs.	:		
WAYNE GRIFFITHS,	:		
Defendant-Appellant.	:		<i>JUDGMENT ENTRY</i>

ZAYAS, Judge.

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Wayne Griffiths appeals his sentences following no-contest pleas to breaking and entering, receiving stolen property, theft with firearm specifications, and two counts of burglary, which merged for sentencing. The court sentenced Griffiths to nine months on the breaking and entering, a fifth-degree felony, 12 months on receiving stolen property, a fourth-degree felony, five to seven and a half years on the theft, a first-degree felony with a one-year gun specification, and three years on the burglary, a second-degree felony. The court ordered all of the sentences to be served consecutively for an aggregate term of ten years and nine months to 13 years and two months. In two assignments of error, Griffiths argues that the record does not support

OHIO FIRST DISTRICT COURT OF APPEALS

the consecutive sentences and does not support more than minimum terms on each count.

A sentencing court is required to make three distinct findings in order to impose consecutive prison terms: (1) that consecutive sentences are “necessary to protect the public from future crime or to punish the offender”; (2) that “consecutive sentences are not disproportionate to the seriousness of the offender’s conduct and to the danger the offender poses to the public”; (3) and that one of the circumstances described in subdivision (a) to (c) is present. R.C. 2929.14(C)(4). While the sentencing court is not required to state exact reasons supporting its findings, the record must contain a clear basis upon which a reviewing court can determine that the sentencing court’s findings for imposing consecutive sentences are supported by the record. *State v. Bonnell*, 2014-Ohio-3177, at ¶ 27-28. R.C. 2953.08(G) “does not permit an appellate court to simply substitute its view of an appropriate sentence for that of the trial court. An appellate court’s inquiry is limited to a review of the trial court’s R.C. 2929.14(C) findings.” *State v. Glover*, 2024-Ohio-5195, ¶ 37.

Here, Griffiths acknowledges that the court made the requisite findings. He argues that consecutive sentences were disproportionate to any danger he poses and to the seriousness of his conduct because he had no prior adult or juvenile criminal history, he was the least culpable of the three parties involved, he had a high school diploma and came from a good family. Griffiths also expressed his remorse for the offenses.

The trial court’s proportionality finding was grounded in Griffiths’s multiple offenses against multiple victims over the course of a single night. Moreover, the record is clear that Griffiths minimized his culpability and failed to take responsibility for his conduct. The video of the offense revealed that Griffiths was an active and

OHIO FIRST DISTRICT COURT OF APPEALS

willing participant, despite his protestations to the contrary. He entered the pawnshop first and left with the bag of guns. Thus, the proportionality finding was not clearly and convincingly unsupported by the record. We overrule the first assignment of error.

Next, Griffiths contends that the record did not support the more than minimum terms imposed on each count.

R.C. 2953.08(G)(2)(b) “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.” *State v. Jones*, 2020-Ohio-6729, ¶ 29. Although trial courts are required to consider both R.C. 2929.11 and 2929.12 before imposing a prison sentence, they are not required to make specific findings under either of the statutes. *Jones* at ¶ 20. “The trial court has full discretion to impose any sentence within the authorized statutory range, and the court is not required to make any findings or give its reasons for imposing maximum sentences.” *State v. King*, 2013-Ohio-2021, ¶45 (2d Dist.); *State v. Sullens*, 2022-Ohio-2305, ¶ 15 (5th Dist.).

As the Ohio Supreme Court held, this court is not permitted “to independently weigh the evidence in the record and substitute its judgment for that of the trial court concerning the sentence that best reflects compliance with R.C. 2929.11 and 2929.12.” *Jones* at ¶ 42. “[T]he competing factors in R.C. 2929.11 and 2929.12 are for the sentencing court to weigh, not the court of appeals.” *State v. Stanley*, 2021-Ohio-549, ¶ 12 (11th Dist.).

Accordingly, we overrule the second assignment of error and affirm the judgment of the trial court.


OHIO FIRST DISTRICT COURT OF APPEALS

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.

KINSLEY, P.J., and **MOORE, J.**, concur.

To the clerk:

Enter upon the journal of the court on 6/10/2026 per order of the court.

By:  _____
Administrative Judge