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

STATE OF OHIO	:	APPEAL NOS. C-250718 C-250719
Plaintiff-Appellee,	:	C-250720
vs.	:	TRIAL NOS. B-2502407 B-2503838 B-2503549
JAMES EAGLE	:	
Defendant-Appellant.	:	*JUDGMENT ENTRY*
	:	

NESTOR, 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.

James Eagle pleaded guilty in three different cases that alleged theft. The trial court sentenced Eagle to 42 months in the Ohio Department of Rehabilitation and Correction with the sentences in the three separate cases running consecutively to one another. He now appeals arguing the trial court did not make the three necessary findings to impose consecutive sentences. Because the trial court failed to state the necessary findings on the record before imposing consecutive sentences, we reverse the trial court's judgment to the extent that it imposed consecutive sentences, vacate the consecutive nature of the sentences, and remand the cause for the trial court to make the necessary findings for the imposition of consecutive sentences and to incorporate those findings into its sentencing entries.

Eagle pleaded guilty to theft charges in three different cases. Eagle stole almost $30,000 worth of lottery and keno tickets from various gas stations. The trial court ordered a PSI and then sentenced Eagle.

At the sentencing hearing, the trial court said it "considered the overriding purposes of felony sentencing pursuant to Revised Code 2929.11, which are to protect the public from future crimes committed by this offender or other similarly minded." However, the court did not list any of the findings in R.C. 2929.14(C)(4) before imposing consecutive sentences.

R.C. 2929.14(C)(4) states the court may impose consecutive sentences if the offender has multiple convictions. The trial court is required to find three things to impose consecutive sentences: (1) "the consecutive service is necessary to protect the public from future crime or to punish the offender[,]" (2) the "consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public," and (3) that either R.C. 2929.14(C)(4)(a), (b), or (c) applies.

"On appeals involving the imposition of consecutive sentences, R.C. 2953.08(G)(2)(a) directs the appellate court 'to review the record, including the findings underlying the sentence' and to modify or vacate the sentence 'if it clearly and convincingly finds . . . [t]hat the record does not support the sentencing court's findings under division . . . (C)(4) of section 2929.14 . . . of the Revised Code.'" *State v. Bonnell*, 2014-Ohio-3177, ¶ 28. "When imposing consecutive sentences, a trial court must state the required findings as part of the sentencing hearing, and by doing so it affords notice to the offender and to defense counsel." *Id.* at ¶ 29. "However, a word-for-word recitation of the language of the statute is not required, and as long as the reviewing court can discern that the trial court engaged in the correct analysis and can

determine that the record contains evidence to support the findings, consecutive sentences should be upheld." *Id.*

In *Bonnell*, the Supreme Court reversed the trial court's judgment and vacated the defendant's consecutive sentences because the trial court "never addressed the proportionality of consecutive sentences to the seriousness of Bonnell's conduct and the danger he posed to the public[.]" *Id.* at ¶ 33. The *Bonnell* trial court found that "Bonnell had 'shown very little respect for society and the rules of society.'" *Id.* The Supreme Court held this statement satisfied the requirement that the trial court "found a need to protect the public from future crime or to punish Bonnell." *Id.* The trial court also said Bonnell's record was "atrocious," which "demonstrated the need for consecutive sentences to protect the public from future crime." *Id.* The trial court made two of the three necessary findings, but that was not enough. *Id.* at ¶ 34.

Here, Eagle argues on appeal that the court did not make the necessary findings. Eagle is correct. The trial court did not address any of the three findings that are necessary under R.C. 2929.14(C). We sustain the sole assignment of error.

We reverse the trial court's judgment to the extent that it imposes consecutive sentences, vacate the consecutive nature of the sentences, and remand the cause for resentencing.

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 100% to appellee.

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

To the clerk:
Enter upon the journal of the court on 8/26/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer A. Hensley
Administrative Judge