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

STATE OF OHIO,	:	APPEAL NOS.	C-260096 C-260097
Plaintiff-Appellee,	:	TRIAL NOS.	B-2504934 B-2504296
vs.	:		
ERIC GOWIE,	:		
Defendant-Appellant.	:		

JUDGMENT ENTRY

This cause was heard upon the appeals, the records, and the briefs.

For the reasons set forth in the Opinion filed this date, the sentences are vacated in part and the cause is remanded.

Further, the court holds that there were reasonable grounds for these appeals, allows no penalty, and orders that costs be taxed 100% to Appellee.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 9/23/2026.

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 Hensley
Administrative Judge

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O P I N I O N

Criminal Appeals From: Hamilton County Court of Common Pleas

Judgments Appealed From Are: Sentences Vacated in Part and Cause Remanded

Date of Judgment Entry on Appeal: September 23, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Norbert Wessels*, Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Timothy J. McKenna, for Defendant-Appellant.

CROUSE, Judge.

{¶1} Defendant-appellant Eric Gowie appeals from the trial court's judgments convicting him, upon guilty pleas, of four counts of identity fraud and sentencing him to an aggregate term of six years in prison. In a single assignment of error, Gowie argues that the trial court erred in imposing consecutive sentences without making the findings required by law. We agree. For the reasons set forth in this opinion, we vacate the consecutive nature of the sentences and remand this cause for further proceedings.

I. Factual and Procedural History

{¶2} In the case numbered B-2504296, Gowie pled guilty to three counts of identity fraud. In the case numbered B-2504934, Gowie pled guilty to one count of identity fraud.

{¶3} The State and Gowie submitted an agreed and recommended sentence to the court. The recommended sentence consisted of a three-year sentence for each count of identity fraud. The sentences were to run concurrently, resulting in an aggregate sentence of three years of imprisonment.

{¶4} Before accepting Gowie's pleas, the trial court informed him that the court was not obligated to impose the recommended sentence and that it could deviate from that recommendation if it wished. Gowie acknowledged that he understood this.

{¶5} The trial court did not impose the recommended sentences. It stated that a three-year total sentence was not adequate for the amount of harm that Gowie had caused, and it elected to run the three-year aggregate sentences consecutively. Specifically, the court imposed a three-year sentence for the offense of identity fraud in the case numbered B-2504934. It also imposed a three-year sentence for each of the three identity-fraud offenses in the case numbered B-2504296, and it ran those three

sentences concurrently to each other. But it ran the sentence imposed in the case numbered B-2504296 consecutively to the sentence imposed in the case numbered B-2504934, resulting in an aggregate sentence of six years of imprisonment. The trial court also ordered Gowie to pay $35,000 in restitution.

{¶6} In support of the imposition of consecutive sentences, the court found that "[c]onsecutive sentences are necessary to protect the public, and especially the people that he defrauded [of] this $35,000," that "[o]ne sentence on one charge is not appropriate for the amount of harm that he's caused," and that "[t]he conduct was part of an on-going effort to obtain money from various people, and one sentence is not adequate."

{¶7} Gowie now appeals.

II. Analysis

{¶8} In his sole assignment of error, Gowie argues that the imposition of consecutive sentences was contrary to law because the trial court failed to make the statutorily required proportionality finding.

{¶9} Pursuant to R.C. 2953.08(G)(2), we may only modify or vacate a felony sentence if we clearly and convincingly find that the record does not support the trial court's sentencing findings under certain specified divisions, including "division (B) or (D) of section 2929.13, division (B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code," or if we find that the sentence is otherwise contrary to law. *See State v. Truesdell*, 2024-Ohio-5376, ¶ 72 (1st Dist.).

{¶10} Before imposing consecutive sentences, a trial court must make certain findings in accordance with R.C. 2929.14(C)(4). The court must find "that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the

seriousness of the offender's conduct and to the danger the offender poses to the public." It must also find one of the following:

> (a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.
>
> (b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.
>
> (c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

R.C. 2929.14(C)(4)(a)-(c). These findings must also be incorporated into the sentencing entry. *Truesdell* at ¶ 72. When making consecutive-sentencing findings, the trial court is not required to use talismanic words, "but the record must show that the court engaged in the requisite analysis and that evidence exists to support the findings." *State v. Cephas*, 2019-Ohio-52, ¶ 43 (1st Dist.).

{¶11} In the case at bar, when imposing consecutive sentences, the trial court stated,

> Consecutive sentences are necessary to protect the public, and especially the people that he defrauded [of] this $35,000. One sentence on one charge is not appropriate for the amount of harm that he's

caused. The conduct was part of an on-going effort to obtain money from various people, and one sentence is not adequate.

{¶12} Gowie argues that the trial court failed to find that "consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public." The State, in turn, argues that the trial court's statement that "[o]ne sentence on one charge is not appropriate for the amount of harm that he's caused" was sufficient to satisfy the proportionality finding.

{¶13} Following our review of the record, we find merit to Gowie's assertion that the trial court failed to make the required proportionality finding. The trial court found that consecutive sentences were necessary to protect the public, and it found, in accordance with R.C. 2929.14(C)(4)(b),[1] that one sentence was not appropriate for the amount of harm that Gowie caused and that Gowie's "conduct was part of an on-going effort to obtain money from various people." The trial court made no finding with respect to whether the imposition of consecutive sentences was disproportionate to the seriousness of Gowie's conduct.

{¶14} We hold that the required proportionality finding was not satisfied by the trial court's statement that "[o]ne sentence on one charge is not appropriate for the amount of harm that he's caused." First, this statement makes no mention of the seriousness of Gowie's conduct and never references the danger he posed to the public. And second, the trial court's statement referred to the "harm" caused by Gowie, which relates instead to the trial court's finding under R.C. 2929.14(C)(4)(b).

{¶15} Because the trial court failed to make the required findings before

[1] Although the language used by the trial court at the sentencing hearing did not precisely track the statutory language in R.C. 2929.14(C)(4)(b), the sentencing entry indicated that the trial court found that consecutive sentences were appropriate based on R.C. 2929.14(C)(4)(b).

imposing consecutive sentences, we sustain Gowie's assignment of error. We accordingly vacate the consecutive nature of the sentences and remand the cause for resentencing.

Sentences vacated in part and cause remanded.

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