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

STATE OF OHIO,	:	APPEAL NO. C-260227 TRIAL NO. B-2507190
Plaintiff-Appellee,	:	
vs.	:	
JANEKO MAPP,	:	
Defendant-Appellant.	:	*JUDGMENT ENTRY*

KINSLEY, Presiding 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.

Defendant-appellant Janeko Mapp pleaded guilty to felonious assault in violation of R.C. 2903.11(A)(1), a felony of the second degree. The victim of the offense was T.H., the mother of Mapp's child. Over the 2025 Christmas holidays, Mapp held T.H. captive and severely beat her. In exchange for his guilty plea, plaintiff-appellee the State of Ohio dismissed additional charges against him, including strangulation, abduction, and domestic violence.

In a single assignment of error, Mapp appeals the trial court's imposition of a six-to-nine-year sentence. Mapp argues that the trial court erred in failing to find that Mapp was eligible for a community-control sanction rather than imprisonment under R.C. 2929.13(D)(2).

This argument is not cognizable for appellate review. R.C. 2929.13(D) establishes a presumption that a prison term is the appropriate sentence for a second-degree felony. A trial court may deviate from that presumption and impose a term of community control for such a felony if it makes specific findings that community control would (1) "adequately punish the offender and protect the public from future crime," and (2) "would not demean the seriousness of the offense." R.C. 2929.13(D)(2)(a)-(b). Where the trial court makes these findings, an appellate court may review the findings under R.C. 2953.08(G)(2) to determine whether, by clear and convincing evidence, the record does not support them. *State v. Will*, 2019-Ohio-3906, ¶ 13 (10th Dist.).

But where the trial court imposes a prison term for a second-degree felony without making any findings under R.C. 2929.13(D), as was the case here, R.C. 2953.08(G)(2) does not authorize the appellate court to review the lack of findings. *State v. Michalski*, 2025-Ohio-4531, ¶ 22 (11th Dist.), citing *State v. Ortiz-Rojas*, 2016-Ohio-5138, ¶ 7 (8th Dist.). In such circumstances, an appellate court lacks the statutory authority to review the lack of R.C. 2929.13(D) findings or to determine "whether the trial court ought to have overcome the presumption of incarceration." *Id.* at ¶ 23.

Mapp's argument that the trial court should have made findings under R.C. 2929.13(D) and should have sentenced him to community control rather than prison is not reviewable on appeal. We accordingly overrule Mapp's 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.

BOCK and **NESTOR, JJ.,** concur.

To the clerk:
Enter upon the journal of the court on 10/9/2026.

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