

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

State v. Lewis

2023-Ohio-3307 (Ohio Ct. App. 2023) · No. CT2023-0004 · Decided September 15, 2023

SUMMARY

The Ohio Fifth District Court of Appeals affirmed Garland Lewis's sentence following his guilty pleas to five counts of corrupting another with drugs. The court held that the sentence was within the statutory range, was not contrary to law or cruel and unusual punishment, and that the trial court properly made the findings required for consecutive sentences. The court overruled both assignments of error.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	William B. Hoffman; W. Scott Gwin, P.J.; William B. Hoffman, J.; Andrew J. King, J.
JURISDICTION	Ohio
DECIDED	September 15, 2023
DOCKET	CT2023-0004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Garland Lewis appealed his felony sentence after pleading guilty to five counts of corrupting another with drugs. He challenged the proportionality and statutory basis of his sentence, including the imposition of consecutive sentences and the constitutionality of the aggregate prison term.
STANDARD OF REVIEW	Under R.C. 2953.08(G)(2), the appellate court may increase, reduce, modify, or vacate a felony sentence and remand when it clearly and convincingly finds that the record does not support required statutory findings or that the sentence is otherwise contrary to law. The court may not independently reweigh the R.C. 2929.11 and R.C. 2929.12 factors or substitute its judgment for the trial court's.
PRECEDENTIAL VALUE	Published intermediate appellate opinion
PARTIES	Garland Lewis v. State of Ohio

TOPICS

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QUESTIONS PRESENTED

1. Whether Lewis's sentence was contrary to law because it was allegedly disproportionate and inconsistent with the purposes and principles of felony sentencing under R.C. 2929.11 and the seriousness and recidivism factors under R.C. 2929.12.
2. Whether the aggregate consecutive sentence constituted cruel and unusual punishment under the Eighth Amendment to the United States Constitution and Section 9, Article I of the Ohio Constitution.
3. Whether the trial court made and supported the findings required by R.C. 2929.14(C)(4) before imposing consecutive sentences.

HOLDINGS

1. The sentence was not contrary to law because the trial court considered the principles and purposes of felony sentencing, considered the seriousness and recidivism factors, and imposed sentences within the statutory ranges.
2. The aggregate sentence did not constitute cruel and unusual punishment because none of the individual sentences was grossly disproportionate to the corresponding offense.
3. The trial court properly imposed consecutive sentences because it made the findings required by R.C. 2929.14(C)(4) at the sentencing hearing and in the sentencing entry, and those findings were supported by the record.

KEY QUOTATIONS

“Where none of the individual sentences imposed on an offender are grossly disproportionate to their respective offenses, an aggregate prison term resulting from consecutive imposition of those sentences does not constitute cruel and unusual punishment.” (§ 16)

“The trial court must make the R.C. 2929.14(C)(4) findings at the sentencing hearing and incorporate its findings into its sentencing entry, but it has no obligation to state reasons to support its findings, nor must it recite certain talismanic words or phrases in order to be considered to have complied.” (§ 20)

FACTUAL BACKGROUND

Lewis sold cocaine to G.P., a minor, after G.P. contacted Lewis's codefendant to arrange a purchase. The cocaine was laced with fentanyl, and G.P. and four other individuals overdosed and required hospitalization and Narcan. Lewis admitted that he sold drugs to support himself and had not tested the drugs before selling them.

PROCEDURAL HISTORY

A Muskingum County grand jury indicted Lewis on eleven drug-related counts. Lewis initially pleaded not guilty, then pleaded guilty to five counts; the trial court dismissed the remaining counts upon the State's motion. The trial court imposed consecutive sentences totaling a mandatory minimum of fifteen years to an indefinite maximum of sixteen and one-half years. The Ohio Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Roberts, 5th Dist. Licking No. 2020 CA 0030, 2020-Ohio-6722
- State v. Marcum, 146 Ohio St.3d 516, 59 N.E.3d 1231, 2016-Ohio-1002
- State v. Bonnell, 140 Ohio St.3d 209, 16 N.E.3d 659, 2014-Ohio-3177
- State v. Hodges, 8th Dist. Cuyahoga No. 99511, 2013-Ohio-5025
- State v. Jones, 116 Ohio St.3d 242, 69 N.E.3d 649, 2020-Ohio-6729
- State v. Pettorini, 5th Dist. Licking No. 2020 CA 00057, 2021-Ohio-1512, 2021 WL 1714216
- State v. Dinka, 12th Dist. Warren Nos. CA2019-03-022 & CA2019-03-026, 2019-Ohio-4209
- State v. Webb, 5th Dist. Muskingum No. CT2018-0069, 2019-Ohio-4195
- State v. Hairston, 118 Ohio St.3d 289, 2008-Ohio-2338
- State v. Smith, 10th Dist. Franklin No. 18AP-525, 2019-Ohio-5199
- State v. Gwynne, 2022-Ohio-4607

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