

COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT

State v. Okonski

2026-Ohio-2144 · No. 13-25-21; 13-25-22 · Decided June 8, 2026

SUMMARY

The Ohio Third District Court of Appeals affirmed Mick J. Okonski’s sentences in two consolidated criminal cases involving felony sex offenses against children. The court held that the record supported consecutive-sentence findings under R.C. 2929.14(C)(4), rejected the claims that the sentences were cruel and unusual or disproportionate, and found that the trial court adequately considered the required sentencing factors, including military service under R.C. 2929.12(F).

CASE DETAILS

COURT	Court of Appeals of Ohio, Third Appellate District
WRITING FOR THE COURT	Juergen A. Waldick; William R. Zimmerman; John R. Willamowski
JURISDICTION	Ohio Court of Appeals, Third Appellate District, Seneca County
DECIDED	June 8, 2026
DOCKET	13-25-21; 13-25-22
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated direct appeal from felony sentencing judgments entered after Okonski pleaded guilty to multiple sex offenses involving children.
STANDARD OF REVIEW	A sentence-related claim is reviewed under whether the sentence is clearly and convincingly contrary to law. Under R.C. 2953.08(G)(2), consecutive-sentence findings must be upheld unless the appellate court clearly and convincingly finds that they are not supported by the record. Appellate courts may not modify or vacate a sentence based solely on disagreement with the record support for the purposes and principles of sentencing under R.C. 2929.11 and 2929.12.
PRECEDENTIAL VALUE	Published intermediate appellate opinion
PARTIES	Mick J. Okonski v. State of Ohio

TOPICS

- sentencing
- sentencing guidelines
- cruel and unusual punishment
- standard of review
- appellate procedure

PRACTICE AREAS

Ohio criminal law

felony sentencing

appellate criminal procedure

constitutional criminal procedure

QUESTIONS PRESENTED

1. Whether the trial court's findings under R.C. 2929.14(C)(4) supporting consecutive sentences were clearly and convincingly unsupported by the record.
2. Whether the individual and aggregate sentences were grossly disproportionate and therefore violated the Eighth Amendment and Article I, Section 9 of the Ohio Constitution.
3. Whether the trial court failed to consider Okonski's military service record as required by R.C. 2929.12(F).

HOLDINGS

1. The consecutive sentences were not clearly and convincingly contrary to law because the record supported the trial court's findings under R.C. 2929.14(C)(4), including that consecutive sentences were necessary to protect the public or punish the offender, were not disproportionate, involved a course of conduct causing great or unusual harm, and were necessary in light of Okonski's criminal history.
2. The sentences did not violate the Eighth Amendment or Article I, Section 9 of the Ohio Constitution because none of the individual sentences was grossly disproportionate to the offenses, and the aggregate term resulting from consecutive sentences did not constitute cruel and unusual punishment.
3. The trial court did not violate R.C. 2929.12(F) because it considered the presentence investigation report and stated that it had considered the statutory seriousness and recidivism factors; the statute requires consideration of military service but does not require a particular sentencing result or a detailed on-the-record discussion.

KEY QUOTATIONS

“A sentence imposed within the statutory range is not contrary to law as long as the trial court considered the purposes and principles of felony sentencing contained in R.C. 2929.11 and the sentencing factors contained in R.C. 2929.12.” (¶ 11)

“The plain language of R.C. 2953.08(G)(2) requires an appellate court to defer to a trial court’s consecutive-sentence findings, and the trial court’s findings must be upheld unless those findings are clearly and convincingly not supported by the record.” (¶ 13)

“The Eighth Amendment does not require strict proportionality between crime and sentence. Rather, it forbids only extreme sentences that are “grossly disproportionate” to the crime.” (¶ 30)

“While a trial court is required to consider the factors set forth in R.C. 2929.12, the trial court is not required to discuss the considerations on the record.” (¶ 40)

FACTUAL BACKGROUND

Okonski was convicted through negotiated guilty pleas of multiple felony sex offenses involving children, including pandering obscenity involving a minor, illegal use of a minor in nudity-oriented material, gross sexual imposition, and voyeurism. The offenses arose from repeated downloading and dissemination of child pornography, covert photography of minor family members, and hidden-camera recordings of minor females. Law enforcement seized electronic devices pursuant to a search warrant, and the investigation revealed child-sexual-abuse material; Okonski also admitted downloading child sexual images and taking explicit photographs of young family members. He had a prior felony conviction for gross sexual imposition.

PROCEDURAL HISTORY

Okonski was indicted in two Seneca County cases and initially pleaded not guilty. He later entered negotiated guilty pleas, and the trial court imposed consecutive and concurrent prison terms in a joint sentencing hearing. After nunc pro tunc entries corrected errors in the sentencing judgments, Okonski appealed; the appeals were consolidated, and the appellate court affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The causes were remanded to the trial court solely for execution of the judgment for appellate costs, and the appellate court directed the clerk to transmit the opinion and judgment entry as the mandate under App.R. 27.

CASES CITED

- State v. Marcum, 2016-Ohio-1002
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 39
- State v. Johnson, 2021-Ohio-1768, ¶ 9 (3d Dist.)
- State v. Dorsey, 2021-Ohio-76, ¶ 15 (2d Dist.)
- State v. Bonnell, 2014-Ohio-3177
- State v. Gwynne, 2023-Ohio-3851, ¶ 5
- State v. Maynard, 132 Ohio App.3d 820, 827 (9th Dist. 1999)
- State v. Meadows, 28 Ohio St.3d 43 (1986)
- State v. Glover, 2024-Ohio-5195
- State v. Mollett, 2025-Ohio-2826 (3d Dist.)
- Kraly v. Vannewkirk, 69 Ohio St.3d 627, 633 (1994)
- Nascar Holdings, Inc. v. Testa, 2017-Ohio-9118, ¶ 18
- Hedrick v. Motorists Mut. Ins. Co., 22 Ohio St.3d 42, 44 (1986)
- Martin v. Midwestern Group Ins. Co., 1994-Ohio-407 (1994)
- State v. Stone, 2026-Ohio-1372, ¶¶ 17-18 (5th Dist.)
- State v. Jackson, 2026-Ohio-1486, ¶ 96 (4th Dist.)

- State v. Volpi, 2026-Ohio-599, ¶¶ 37, 42 (11th Dist.)
- State v. Anderson, 2025-Ohio-5732, ¶¶ 25-26 (6th Dist.)
- Robinson v. California, 370 U.S. 660 (1962)
- State v. Weitbrecht, 86 Ohio St.3d 368, 373 (1999)
- Harmelin v. Michigan, 501 U.S. 957, 1001 (1991) (Kennedy, J., concurring in part and in judgment)
- McDougle v. Maxwell, 1 Ohio St.2d 68, 70 (1964)
- State v. Chaffin, 30 Ohio St.2d 13 (1972)
- State v. Hairston, 2008-Ohio-2338, ¶ 20
- State v. Gossman, 2020-Ohio-5135 (3d Dist.)
- State v. McMillan, 2017-Ohio-8872, ¶ 16 (8th Dist.)
- State v. August, 589 N.W.2d 740, 744 (Iowa 1998)
- State v. Wilson, 2024-Ohio-5557, ¶ 17 (3d Dist.)
- State v. Jones, 2007-Ohio-5624 (3d Dist.)
- State v. Rentschler, 2023-Ohio-3009, ¶ 67 (3d Dist.)
- State v. Cooperrider, 4 Ohio St.3d 226, 228 (1983)
- State v. Agnew, 2020-Ohio-4260, ¶ 11 (3d Dist.)
- State v. Maggette, 2016-Ohio-5554, ¶ 32 (3d Dist.)
- State v. Aburas, 2018-Ohio-1984, ¶ 13 (12th Dist.)
- State v. Mitchell, 2015-Ohio-1132, ¶ 22 (4th Dist.)
- State v. Stewart, 2024-Ohio-1640, ¶ 48 (4th Dist.)