

COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT,
TRUMBULL COUNTY

State v. Pace

2025-Ohio-5291 · No. 2025-T-0042 · Decided November 24, 2025

SUMMARY

The Ohio Eleventh District Court of Appeals affirmed Jesse Kree Pace’s sentence following his guilty pleas to aggravated burglary, assault of a peace officer, and harassment with a bodily substance. The court held that it lacked authority to independently reweigh mitigating factors under R.C. 2929.11 and R.C. 2929.12, and found that the trial court properly stated that it had considered the required sentencing factors.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eleventh Appellate District, Trumbull County
WRITING FOR THE COURT	Matt Lynch, J.; Eugene A. Lucci, J.; Scott Lynch, J.
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Trumbull County
DECIDED	November 24, 2025
DOCKET	2025-T-0042
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his felony sentence after entering a negotiated guilty plea to aggravated burglary, assault of a peace officer, and harassment with a bodily substance.
STANDARD OF REVIEW	Under Ohio Revised Code section 2953.08(G)(2), an appellate court may modify or vacate a felony sentence only if it clearly and convincingly finds that the record does not support a statutorily specified sentencing finding or that the sentence is otherwise contrary to law. The appellate court may not independently weigh the evidence or mitigating factors under R.C. 2929.11 and R.C. 2929.12 or substitute its judgment for that of the trial court.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Jesse Kree Pace v. State of Ohio

TOPICS

sentencing

sentencing guidelines

standard of review

appellate procedure

criminal procedure

PRACTICE AREAS

criminal law

criminal appellate procedure

felony sentencing

QUESTIONS PRESENTED

1. Whether the trial court imposed an excessive felony sentence by failing to consider mitigating factors under R.C. 2929.11 and R.C. 2929.12.
2. Whether the appellate court could independently reweigh mitigating factors and substitute its sentencing judgment for that of the trial court.

HOLDINGS

1. An appellate court may not modify or vacate a felony sentence based on its independent assessment of whether the sentence is supported by the record under R.C. 2929.11 and R.C. 2929.12.
2. The trial court fulfilled its duty by stating at the sentencing hearing and in the sentencing entry that it had considered the factors under R.C. 2929.11 and R.C. 2929.12; therefore, Pace's sentence was not shown to be contrary to law.

KEY QUOTATIONS

“Nothing in R.C. 2953.08(G)(2) permits an appellate court to independently weigh the evidence in the record and substitute its judgment for that of the trial court concerning the sentence that best reflects compliance with R.C. 2929.11 and 2929.12.” (¶ 9)

“When sentencing, a ‘trial court is not required to give any particular weight or emphasis to a given set of circumstances; it is merely required to consider the statutory factors in exercising its discretion.’” (¶ 10)

FACTUAL BACKGROUND

Pace forcibly entered a residence in violation of a protective order and, during the resulting altercation, punched one police officer several times and spit on another. He pleaded guilty to aggravated burglary, assault of a peace officer, and harassment with a bodily substance. At sentencing, the trial court considered Pace's criminal history, substance-use and mental-health issues, remorse, and the statutory felony-sentencing factors before imposing consecutive prison terms on two counts and a concurrent term on the third.

PROCEDURAL HISTORY

Pace was indicted on five felony counts in the Trumbull County Court of Common Pleas. He pleaded guilty to three counts, the State entered a nolle prosequi on the remaining two counts, and the trial court imposed consecutive and concurrent prison terms totaling 9.5 years to a maximum of 13.5 years. Pace appealed, arguing that the sentence was excessive and that the trial court failed to consider mitigating factors.

DISPOSITION

affirmed

CASES CITED

- State v. Brunson, 2022-Ohio-4299, ¶ 69
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶¶ 39, 42
- State v. Delmanzo, 2008-Ohio-5856, ¶ 23 (11th Dist.)
- State v. DeLuca, 2021-Ohio-1007, ¶ 18 (11th Dist.)
- State v. Hackathorn, 2023-Ohio-410, ¶¶ 8, 14 (11th Dist.)

OPINION

PER CURIAM.

[Cite as State v. Pace, 2025-Ohio-5291.] IN THE COURT OF APPEALS OF OHIO ELEVENTH APPELLATE DISTRICT TRUMBULL COUNTY STATE OF OHIO, CASE NO. 2025-T-0042 Plaintiff-Appellee, Criminal Appeal from the - vs - Court of Common Pleas JESSE KREE PACE, Trial Court No. 2025 CR 00141 Defendant-Appellant. OPINION AND JUDGMENT ENTRY Decided: November 24, 2025 Judgment: Affirmed Dennis Watkins, Trumbull County Prosecutor, and Charles L. Morrow, Assistant Prosecutor, Administration Building, Fourth Floor, 160 High Street, N.W., Warren, OH 44481 (For Plaintiff-Appellee).

Martin Yavorcik, 940 Windham Court, Suite 7, Youngstown, OH 44512 (For Defendant-Appellant). MATT LYNCH, J. {¶1} Defendant-appellant, Jesse Kree Pace, appeals his sentence after entering a negotiated plea of guilty to three felonies.

We affirm. {¶2} Appellant was initially indicted on five felony counts after he entered a residence by force in violation of a protective order and, during the ensuing altercation, punched one police officer in the face several times and spit on another police officer. {¶3} On April 15, 2025, appellant entered a plea of guilty to Aggravated Burglary (F1), in violation of R.C.

2911.11(A)(1) & (B); Assault of a Peace Officer (F4), in violation of R.C. 2903.13(A) & (C)(5)(a); and Harassment with a Bodily Substance (F5), a fifth- degree felony, in violation of R.C. 2921.38(B) & (D). The State entered a nolle prosequi on the remaining two counts of the indictment. Prior to sentencing, appellant underwent a pre-sentence investigation. {¶4} On May 22, 2025, the trial court held a sentencing hearing.

The prosecutor presented nothing in the way of sentencing. Defense counsel requested a minimum sentence and explained that appellant's issues with alcohol, drugs, and mental health caused his issues with the law. Appellant told the court he took full responsibility for his actions.

The court outlined appellant's history of violent crime from the pre-sentence investigation report, stated it had considered the overriding principles and purposes of felony sentencing and all

relevant seriousness and recidivism factors, found the sentence shall be proportional to appellant's conduct and consistent with similarly situated offenders, and made the necessary consecutive-sentence findings.

The court then imposed a prison term of 8 to 12 years on Count 1, a prison term of 18 months on Count 4 to be served consecutively to Count 1, and a concurrent prison term of 12 months on Count 5, for an aggregate prison sentence of 9.5 years to a maximum of 13.5 years. {¶5} The sentencing entry was journalized on May 23, 2025.

The court stated therein that it had considered the record, oral statements, and any victim impact statements, as well as the principles and purposes of sentencing under R.C. 2929.11, and had balanced the seriousness and recidivism factors of R.C. 2929.12. {¶6} Appellant timely appeals and raises one assignment of error: {¶7} "The trial court erred by imposing an excessive sentence without any consideration of mitigating factors, contrary to R.C.

2929.11 and R.C. 2929.12." {¶8} Our standard of review for felony sentencing is found in R.C. 2953.08(G)(2): PAGE 2 OF 5 Case No. 2025-T-0042 The appellate court may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing court for resentencing.

The appellate court's standard for review is not whether the sentencing court abused its discretion. The appellate court may take any action authorized by this division if it clearly and convincingly finds either of the following: (a) That the record does not support the sentencing court's findings under 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, whichever, if any, is relevant; (b) That the sentence is otherwise contrary to law. {¶9} Our jurisdiction to review the sentencing factors in R.C.

2929.11 and 2929.12 is limited under R.C. 2953.08(G)(2)(b). *State v. Brunson*, 2022-Ohio-4299, ¶ 69. "Under that provision, the appellate court cannot modify or vacate a sentence based on its view that the sentence is not supported by the record under R.C. 2929.11 and 2929.12." *Id.*, citing *State v. Jones*, 2020-Ohio-6729, ¶ 39. "Nothing in R.C. 2953.08(G)(2) permits an appellate court to independently weigh the evidence in the record and substitute its judgment for that of the trial court concerning the sentence that best reflects compliance with R.C.

2929.11 and 2929.12." *Jones* at ¶ 42. {¶10} "When sentencing, a 'trial court is not required to give any particular weight or emphasis to a given set of circumstances; it is merely required to consider the statutory factors in exercising its discretion.' *State v. Delmanzo*, 2008-Ohio-5856, ¶ 23 (11th Dist.). A sentencing court fulfills its duty when it states that it has considered the factors under R.C.

2929.11 and R.C. 2929.12. State v. DeLuca, 2021-Ohio-1007, ¶ 18 (11th Dist.).” State v. Hackathorn, 2023-Ohio-410, ¶ 8 (11th Dist.). {¶11} In support of his assignment of error, appellant argues the trial court erred by imposing a near-maximum sentence based on his criminal history and “boilerplate PAGE 3 OF 5 Case No. 2025-T-0042 recitations” without weighing mitigating factors, including his expression of remorse.

He calls for “fairness” and asserts that we should not let a sentencing hearing be a “mere monologue.” {¶12} However, we are without any authority to independently weigh mitigating factors under R.C. 2929.12, Jones at ¶ 42, and the trial court fulfilled its duty in this regard by stating at sentencing and in its judgment entry that it had considered all factors under R.C.

2929.11 and 2929.12. See Hackathorn at ¶ 14. {¶13} Accordingly, appellant’s assignment of error is without merit. {¶14} We affirm the Trumbull County Court of Common Pleas’ judgment entry of sentence. EUGENE A. LUCCI, J., SCOTT LYNCH, J., concur. PAGE 4 OF 5 Case No. 2025-T-0042 JUDGMENT ENTRY For the reasons stated in the opinion of this court, appellant’s assignment of error is without merit.

It is the judgment and order of this court that the judgment of the Trumbull County Court of Common Pleas is affirmed. Costs to be taxed against appellant. JUDGE MATT LYNCH JUDGE EUGENE A. LUCCI, concurs JUDGE SCOTT LYNCH, concurs THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.

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