

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

State v. Hammonds

2026-Ohio-2295 · No. 25CA0049, 25CA0050, and 25CA0051 · Decided June 17, 2026

SUMMARY

The Ohio Court of Appeals, Fifth Appellate District, affirmed Randell Hammonds’s aggregate prison sentences for felony offenses committed while he was under post-release-control supervision. The court held that, because Hammonds did not object at sentencing, review was limited to plain error, and found no plain error in the trial court’s consideration of Ohio sentencing statutes or imposition of consecutive terms.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	David M. Gormley; Craig R. Baldwin; Kevin W. Popham
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Guernsey County
DECIDED	June 17, 2026
DOCKET	25CA0049, 25CA0050, and 25CA0051
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hammonds appealed his felony sentences from the Guernsey County Court of Common Pleas after pleading guilty to receiving stolen property, escape, and failure to comply. He argued that the trial court failed to comply with Ohio's felony-sentencing statutes by imposing sentences greater than the minimum terms.
STANDARD OF REVIEW	Because Hammonds did not object to the sentence after being given a meaningful opportunity to do so, the court reviewed the sentence solely for plain error. Under R.C. 2953.08(G)(2), felony sentences may otherwise be modified or remanded only upon clear and convincing evidence that the sentencing findings are unsupported by the record or that the sentence is otherwise contrary to law.
PRECEDENTIAL VALUE	Published and precedential Ohio Court of Appeals opinion
PARTIES	Randell Lionel Hammonds v. State of Ohio

TOPICS

sentencing

criminal procedure

sentencing guidelines

preservation of error

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether Hammonds forfeited review of his sentencing challenge by failing to object after the trial court announced the sentence.
2. Whether the trial court committed plain error by imposing felony sentences above the minimum terms without adequately considering the purposes of felony sentencing and the seriousness and recidivism factors under R.C. 2929.11 and R.C. 2929.12.
3. Whether the imposed prison terms, consecutive sentences, and additional post-release-control sanction were contrary to law.

HOLDINGS

1. When a criminal defendant does not object to a sentence after being given a meaningful opportunity to raise the issue in the trial court, the sentencing challenge is forfeited and the appellate court reviews only for plain error.
2. Plain error must be apparent on the record, palpable, and fundamental, and notice of plain error is reserved for exceptional circumstances necessary to prevent a manifest miscarriage of justice.
3. A felony sentence is not contrary to law when it falls within the statutory range and the trial court considers the purposes of felony sentencing and the applicable seriousness and recidivism factors; the court need not state its reasons for selecting a particular sentence within the statutory range or use specific language or make specific findings to demonstrate that consideration.
4. The consecutive sentences and additional 12-month sentence imposed for new felony offenses committed while Hammonds was under post-release control were not contrary to law because the applicable statutes required or authorized the consecutive terms and the trial court made the required consecutive-sentence findings.

KEY QUOTATIONS

“In light of that fact, and because Hammonds did not object to the sentence imposed, we review Hammonds’s sentence solely for plain error.” (§ 11)

“Although a trial court must consider the factors in R.C. 2929.11 and 2929.12, there is no requirement that the court state its reasons . . . for imposing a particular sentence within the statutory range.” (§ 15)

“We see no error — and certainly no plain error — in the sentences imposed by the trial court.” (§ 22)

FACTUAL BACKGROUND

While under post-release-control supervision, Hammonds attempted to sell a stolen vehicle. He failed to appear for arraignment and stopped reporting to his parole officer; after an arrest warrant issued, he was arrested following a high-speed chase during which he drove left of center and struck another vehicle. He later pleaded guilty to receiving stolen property, escape, and failure to comply.

PROCEDURAL HISTORY

Hammonds pleaded guilty to three felony offenses committed while he was under post-release-control supervision. The trial court imposed an aggregate 54-month term for the three offenses, ordered the terms to run consecutively, terminated post-release control, and imposed an additional consecutive 12-month term under R.C. 2929.141(A)(1). Hammonds did not object after the sentence was announced, and the court of appeals reviewed the sentence solely for plain error and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 29
- State v. Ogden, 2025-Ohio-1168, ¶ 14 (4th Dist.)
- State v. Truesdell, 2024-Ohio-5376, ¶ 79 (1st Dist.)
- State v. Bright, 2025-Ohio-725, ¶¶ 7, 9-10 (5th Dist.)
- State v. Haudenschild, 2024-Ohio-407, ¶ 15 (5th Dist.)
- State v. Whitaker, 2022-Ohio-2840, ¶ 166
- State v. Dunlap, 2004-Ohio-6652, ¶ 34 (8th Dist.)
- State v. Long, 53 Ohio St.2d 91 (1978), paragraph three of the syllabus
- State v. Webb, 2019-Ohio-4195, ¶ 17 (5th Dist.)
- State v. Arnett, 88 Ohio St.3d 208, 215 (2000)
- State v. Hess, 2024-Ohio-2842, ¶ 33 (5th Dist.)
- State v. Boyd, 2025-Ohio-984, ¶ 53 (2d Dist.)

OPINION

State v. Hammonds

2026 Ohio 2295

PER CURIAM.

[Cite as State v. Hammonds, 2026-Ohio-2295.]

IN THE OHIO COURT OF APPEALS

FIFTH APPELLATE DISTRICT

GUERNSEY COUNTY, OHIO

STATE OF OHIO, Case Nos. 25CA0049, 25CA0050, and 25CA0051 Plaintiff - Appellee Opinion

& Judgment Entry -vs- Appeal from the Court of Common Pleas RANDELL LIONEL HAMMONDS, of Guernsey County, Case Nos. 24CR0123, 25CR0110, and 25CR0137 Defendant - Appellant Judgment: Affirmed Date of Judgment: June 17, 2026 BEFORE: Craig R. Baldwin, Kevin W. Popham, and David M. Gormley, Judges APPEARANCES: Mark A. Perlaky (Assistant Prosecuting Attorney), Cambridge, Ohio, for Plaintiff-Appellee; Todd W. Barstow, Newark, Ohio, for Defendant-Appellant. Gormley, J. ¶1 Defendant Randell Hammonds challenges in these three related cases the prison sentences that he was ordered to serve after he pled guilty to several felony charges for offenses that he committed while he was on post-release-control (PRC) supervision. He argues here that the trial court, by not imposing the minimum sentences, failed to comply with Ohio’s sentencing statutes that require a trial court to consider the purposes of felony sentencing, the seriousness of the offender’s conduct, and the likelihood of recidivism. For the reasons explained below, we affirm the trial court’s judgment. The Key Facts ¶2 In April 2024, Hammonds — while under PRC supervision — attempted to sell a stolen vehicle. He was indicted in July 2024 on a felony receiving-stolen-property charge, but he did not appear for his arraignment and then did not report to his parole officer for several months. An arrest warrant for Hammonds was issued in Guernsey County, and — after a high-speed vehicle chase during which Hammonds traveled left of center and struck another vehicle — he was arrested in April 2025. ¶3 Additional indictments followed, and eventually Hammonds pled guilty to the receiving-stolen-property charge (a fourth-degree felony) and also to an escape charge (a fifth-degree felony) and a failure-to-comply charge (a third-degree felony). ¶4 At the sentencing hearing, the State recommended an aggregate prison term of 64 months on the three charges, while defense counsel recommended an aggregate prison term of 36 months. (Those recommendations did not address any additional prison time that the trial judge could impose under R.C. 2929.141(A)(1) as a result of Hammonds’s commission of new felony offenses while he was under PRC supervision.) ¶5 In the end, the trial judge imposed an aggregate 54-month prison term on the charges (30 months on the F3 charge, 13 months on the F4 charge, and 11 months on the F5 charge, with all of those running consecutively). The judge also terminated Hammonds’s PRC period and imposed an additional consecutive 12-month prison term under R.C. 2929.141(A)(1). Hammonds has appealed, arguing that he was sentenced too harshly. Hammonds’s Failure to Object in the Trial Court Limits Our Review of the Sentence Here ¶6 In his sole assignment of error, Hammonds argues that the sentence imposed by the trial court does not comport with Ohio’s sentencing statutes. ¶7 When a felony sentence is challenged at this court, we are permitted to “increase, reduce, or otherwise modify” the sentence (or to remand the case to the trial court to do any of those things) if and only if “clear[] and convincing[]” evidence indicates that the trial court’s sentencing-related findings are not supported by the record or if the sentence is “otherwise contrary to law.” R.C. 2953.08(G)(2). ¶8 When considering whether that latter phrase — the “otherwise contrary to law” language — applies to a trial court’s sentence, though, we are not permitted to overturn or alter the sentence “based on the lack of support in the record for the trial

court’s findings under R.C. 2929.11 [explaining the overriding purposes of felony sentencing] and 2929.12 [directing the trial court to consider various factors tied to the seriousness of the crime in question as well as various other factors relevant to the likelihood that the defendant will commit other crimes in the future].” *State v. Jones*, 2020-Ohio-6729, ¶ 29. See also *State v. Ogden*, 2025-Ohio-1168, ¶ 14 (4th Dist.) (“this court cannot review a felony sentence when appellant’s sole contention is that the trial court improperly considered the factors of R.C. 2929.11 or 2929.12”); *State v. Truesdell*, 2024-Ohio-5376, ¶ 79 (1st Dist.) (“an appellate court may not independently weigh the evidence in the record and substitute its judgement for that of the trial court concerning the sentence that best reflects compliance with R.C. 2929.11 and 2929.12”). {¶9} Despite the limit on our reviewing authority spelled out in the Supreme Court’s *Jones* decision noted just above, *Hammonds* does in fact urge us to find that his sentence is contrary to law because — in his view — the trial judge failed to adequately consider the sentencing factors listed in R.C. 2929.11 and 2929.12. {¶10} And even before we turn to the merits of that argument, we note that *Hammonds* did not object at the sentencing hearing once the trial judge announced the sentence. That misstep now poses a significant hurdle for him because, as we reiterated just last year, “[a]n error ‘that was not called to the attention of the trial court at a time when the error could have been avoided or corrected by the trial court’ is deemed forfeited absent plain error.” *State v. Bright*, 2025-Ohio-725, ¶ 7 (5th Dist.), quoting *State v. Haudenschild*, 2024-Ohio-407, ¶ 15 (5th Dist.). See also *Crim.R. 52(B)* and *State v. Whitaker*, 2022-Ohio-2840, ¶ 166 (“because *Whitaker* failed to object to the imposition of consecutive sentences at the sentencing hearing, he has forfeited this issue, absent plain error”). {¶11} After the trial judge announced the sentence that *Hammonds* was to serve, the judge asked the State and *Hammonds*’s counsel whether there were any other matters that needed to be addressed. *Hammonds*’s counsel said there were none. That brief exchange tells us that *Hammonds* was given “a meaningful opportunity to express the concerns that [he] now raises here.” *Bright* at ¶ 9. In light of that fact, and because *Hammonds* did not object to the sentence imposed, we review *Hammonds*’s sentence solely for plain error. We See No Plain Error in the Sentence {¶12} “To constitute plain error, an error ‘must be on the record, palpable, and fundamental, so that it should have been apparent to the trial court without objection.’” *Id.* at ¶ 10, quoting *State v. Dunlap*, 2004-Ohio-6652, ¶ 34 (8th Dist.). “‘Notice of plain error under *Crim.R. 52(B)* is to be taken with the utmost caution, under exceptional circumstances and only to prevent a manifest miscarriage of justice.’” *State v. Long*, 53 Ohio St.2d 91 (1978), paragraph three of the syllabus. {¶13} To achieve the “overriding purposes of felony sentencing” — protecting the public from future crime, punishing the offender, making whole any victims and the public, and rehabilitating the offender, all of which are to be accomplished with the least onerous and least costly sanctions available — the trial court should “consider the need for incapacitating the offender, deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both.” R.C. 2929.11(A). {¶14} And listed in R.C. 2929.12 are several factors that trial courts in felony cases must consider when

weighing not only the seriousness of the offender's conduct but also his or her likelihood for committing future crimes. That statutory provision also makes plain that the trial court retains "discretion to determine the most effective way to comply" with the lofty overriding purposes described in R.C. 2929.11. See R.C. 2929.12(A). {¶15} "Although a trial court must consider the factors in R.C. 2929.11 and 2929.12, there is no requirement that the court state its reasons . . . for imposing a particular sentence within the statutory range." *State v. Webb*, 2019-Ohio-4195, ¶ 17 (5th Dist.). The Revised Code also does not require that the trial court "use specific language or make specific findings on the record in order to evince the requisite consideration of the applicable seriousness and recidivism factors." *State v. Arnett*, 88 Ohio St.3d 208, 215 (2000), citing R.C. 2929.12. {¶16} In this case, a presentence investigation was conducted by the trial court's probation staff, and the resulting presentence report was reviewed by the trial judge and by counsel for both parties before the sentencing hearing. A standardized risk- assessment tool administered to Hammonds by the probation staff as part of the presentence process placed Hammonds in the "high risk" category for likelihood of reoffending. {¶17} Then at the sentencing hearing, the trial judge noted that Hammonds was on PRC supervision when he committed his three new felony offenses. The trial judge, before announcing the sentence, also mentioned aloud that he had considered Hammonds's past criminal convictions and his juvenile-delinquency adjudications. The trial judge determined, as well, that Hammonds had failed to respond favorably to court sanctions imposed in the past and that a pattern of drug or alcohol abuse had played a role in at least some of the new offenses. {¶18} The trial judge spoke at the sentencing hearing, too, about the particular facts surrounding the latest offenses, and his remarks indicate that he took into account the additional sentencing factors that courts, under R.C. 2921.331(C)(5)(b), are to consider when sentencing an offender for an F3 failure-to-comply offense. As part of that analysis, the judge noted that law-enforcement officers had pursued Hammonds through three counties at a high rate of speed and that Hammonds had committed multiple moving violations during the pursuit. {¶19} The trial judge mentioned aloud, too, that he had reviewed a victim-impact statement that had been provided to him in connection with the receiving-stolen-property charge. And the trial judge also noted a factor that worked in Hammonds's favor: an expression by Hammonds of what appeared to be genuine remorse for his latest crimes. {¶20} In the end, the prison terms imposed by the trial judge for each of the three offenses were within the permissible statutory ranges set by R.C. 2929.14(A), and none of those definite prison terms was set at the maximum length that could have been imposed for the crimes. {¶21} As for the judge's order that the three prison terms be served consecutively, we note that any prison term for the F3 failure-to-comply offense committed by Hammonds had to be, under R.C. 2921.331(D), imposed "consecutively to any other prison term . . . imposed upon the offender," so the trial judge had no discretion to run that particular sentence concurrently with the others. And, in addition, the judge stated aloud and incorporated into the sentencing entry the necessary R.C. 2929.14(C)(4) findings that can justify a trial court's imposition of consecutive prison terms in general, and of course R.C.

2929.141(A)(1) dictated that the additional 12-month prison term that Hammonds received for committing new felony offenses while on PRC supervision had to be imposed “consecutively to any prison term imposed” for the new crimes. {¶22} We see no error — and certainly no plain error — in the sentences imposed by the trial court. Given that the judge complied with the applicable sentencing statutes, we have “no basis for concluding” that the sentences are contrary to law. *State v. Hess*, 2024-Ohio-2842, ¶ 33 (5th Dist.). See also *State v. Boyd*, 2025-Ohio-984, ¶ 53 (2d Dist.) (“A [felony] sentence is contrary to law when it falls outside the statutory range for the offense or if the sentencing court does not consider R.C. 2929.11 and 2929.12”). {¶23} For these reasons, the judgment of the Court of Common Pleas of Guernsey County is affirmed. Costs are to be paid by Appellant Randell Hammonds. By: Gormley, J.; Baldwin, P.J. and Popham, J. concur.
HON. DAVID M. GORMLEY
HON. CRAIG R. BALDWIN
HON. KEVIN W. POPHAM