

OHIO COURT OF APPEALS, SEVENTH APPELLATE DISTRICT

State v. Spack

2026-Ohio-135 · No. 25 CO 0022 · Decided January 15, 2026

SUMMARY

The Ohio Seventh District Court of Appeals affirmed Matthew A. Spack’s consecutive sentences for multiple child-exploitation offenses and rejected his ineffective-assistance claim concerning sentencing advocacy. The court held that the record supported the consecutive-sentence findings under Ohio law, but remanded for a nunc pro tunc sentencing entry incorporating those findings because they were omitted from the original entry.

CASE DETAILS

COURT	Ohio Court of Appeals, Seventh Appellate District
WRITING FOR THE COURT	Katelyn Dickey; Cheryl L. Waite; Mark A. Hanni
JURISDICTION	Ohio Court of Appeals, Seventh Appellate District, Columbiana County
DECIDED	January 15, 2026
DOCKET	25 CO 0022
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant appealed from felony convictions and consecutive sentences entered after guilty pleas in the Columbiana County Court of Common Pleas. He challenged the effectiveness of sentencing counsel, the trial court's failure to include consecutive-sentence findings in the sentencing entry, and the record support for consecutive sentences.
STANDARD OF REVIEW	Felony sentences are reviewed under Ohio Revised Code section 2953.08(G). An appellate court may modify or vacate a sentence only if it clearly and convincingly finds that the record does not support the applicable statutory findings or that the sentence is otherwise contrary to law; review is not for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Matthew A. Spack v. State of Ohio

TOPICS

sentencing

ineffective assistance

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standard of review

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether defense counsel provided ineffective assistance by failing to advocate more vigorously for a lesser sentence at sentencing.
2. Whether the trial court erred by failing to incorporate its consecutive-sentence findings into the sentencing entry.
3. Whether the record clearly and convincingly failed to support the imposition of consecutive sentences.

HOLDINGS

1. Defense counsel was not ineffective for failing to present additional mitigating facts or more vigorously advocate for a lesser sentence because counsel's performance did not fall below an objective standard of reasonableness and Spack could not establish prejudice.
2. When imposing consecutive sentences, a trial court must make the required statutory findings at the sentencing hearing and incorporate those findings into the sentencing entry. Because the trial court made the findings orally but omitted them from the entry, the matter must be remanded for a nunc pro tunc sentencing order.
3. The record did not clearly and convincingly fail to support the trial court's consecutive-sentence findings; therefore, the appellate court affirmed the imposition of consecutive sentences.

FACTUAL BACKGROUND

A cloud-storage provider and social-media application flagged multiple videos and images containing child sexual-abuse material that were traced to Spack's mobile telephone accounts. A search warrant executed at his residence resulted in the seizure of a mobile telephone and other storage media containing obscene images of young children and images of nude minors. Spack pleaded guilty to fourteen offenses, and the trial court imposed minimum terms for each offense consecutively. At sentencing, Spack minimized his conduct, acknowledged marijuana use, had discontinued and later resumed counseling for pornography addiction, and had limited criminal history but significant personal and financial difficulties.

PROCEDURAL HISTORY

Spack pleaded guilty to fourteen offenses involving child sexual-abuse material and received minimum terms for each offense, ordered to run consecutively for an aggregate minimum sentence of ten years. The trial court made the required consecutive-sentence findings orally at sentencing but omitted them from the sentencing entry. The Court of Appeals rejected the ineffective-assistance and substantive consecutive-sentence challenges, affirmed the consecutive sentences, and remanded for a nunc pro tunc entry incorporating the statutory findings.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Columbiana County Court of Common Pleas must issue a nunc pro tunc sentencing order incorporating the statutorily required findings supporting consecutive sentences. The imposition of consecutive sentences was affirmed.

CASES CITED

- Strickland v. Washington, 466 U.S. 668, 687-689 (1984)
- State v. Madrigal, 87 Ohio St.3d 378, 389 (2000)
- State v. Bradley, 42 Ohio St.3d 136, 141-142 (1989)
- State v. Carter, 72 Ohio St.3d 545, 557-558 (1995)
- Lockhart v. Fretwell, 506 U.S. 364, 369 (1993)
- State v. Michaels, 2019-Ohio-497, ¶ 2 (7th Dist.)
- State v. Marcum, 2016-Ohio-1002, ¶ 1
- State v. Bellard, 2013-Ohio-2956, ¶ 17 (7th Dist.)
- State v. Power, 2013-Ohio-4254, ¶ 38
- State v. Williams, 2015-Ohio-4100, ¶¶ 33-34 (7th Dist.)
- State v. Bonnell, 2014-Ohio-3177, ¶ 37
- State v. Glover, 2024-Ohio-5195, ¶ 46
- State v. Gwynne, 2023-Ohio-3851, ¶ 15
- Cross v. Ledford, 161 Ohio St. 469, paragraph three of the syllabus