

COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT, ALLEN COUNTY

State v. Finfrock

2026-Ohio-2240 · No. 1-25-58 · Decided June 15, 2026

SUMMARY

The Third District Court of Appeals of Ohio affirmed Joseph W. Finfrock’s sentence for failure to verify his address under Ohio’s sex-offender registration laws. The court held that Ohio law permits a prison term to run consecutively to an out-of-state prison term and that extradition expenses are costs of prosecution that the trial court must assess, although collection from an indigent defendant is limited. Both assignments of error were overruled.

CASE DETAILS

COURT	Court of Appeals of Ohio, Third Appellate District, Allen County
WRITING FOR THE COURT	Mark C. Miller; William R. Zimmerman; Juergen A. Waldick
JURISDICTION	Court of Appeals of Ohio, Third Appellate District, Allen County
DECIDED	June 15, 2026
DOCKET	1-25-58
DISPOSITION	affirmed
PROCEDURAL POSTURE	Finfrock appealed his felony sentence from the Allen County Court of Common Pleas, challenging the imposition of a sentence consecutive to an out-of-state prison term and the assessment of prosecution and extradition costs.
STANDARD OF REVIEW	Under R.C. 2953.08(G)(2), appellate review of consecutive sentences is not for abuse of discretion. The appellate court may modify or vacate the sentence only if it clearly and convincingly finds that the record does not support the required findings under R.C. 2929.14(C) (4) or that the sentence is otherwise contrary to law. Failure to object to the assessment of prosecution costs waives all but plain error, requiring an obvious, outcome-determinative error affecting substantial rights.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Joseph W. Finfrock v. State of Ohio

TOPICS

sentencing appellate procedure plain meaning rule criminal procedure

PRACTICE AREAS

criminal law sentencing appellate procedure statutory interpretation

QUESTIONS PRESENTED

1. Whether the trial court could impose Finfrock's Ohio prison term consecutively to a prison term imposed by Minnesota under R.C. 2929.41(B)(2).
2. Whether the trial court erred by assessing prosecution costs, including extradition costs, against Finfrock after finding him indigent.

HOLDINGS

1. R.C. 2929.41(B)(2) expressly authorizes an Ohio court to order an Ohio felony prison term to be served consecutively to a prison term imposed by another state or the United States. Because R.C. 2929.14(C) (4) concerns prison terms imposed under Ohio law, the appellate court's review of the consecutive sentence involving Minnesota was limited to whether the sentence was otherwise contrary to law under R.C. 2953.08(G)(2)(b). Finfrock failed to clearly and convincingly establish that his sentence was contrary to law.
2. A trial court is required under R.C. 2947.23(A)(1) to assess prosecution costs against every convicted defendant, including an indigent defendant. R.C. 2949.14 limits the clerk's ability to collect extradition and other costs from a nonindigent felony defendant but does not prohibit the court from assessing those costs. Extradition expenses are costs of prosecution because bringing the accused within the court's jurisdiction is necessary for the prosecution to proceed.
3. Because Finfrock did not object to the order assessing prosecution costs, review was limited to plain error. He did not establish an obvious, outcome-determinative error resulting in a sentence contrary to law.

KEY QUOTATIONS

“The appellate court’s standard for review is not whether the sentencing court abused its discretion.” (¶ 6)

“R.C. 2949.14 does not govern a court’s ability to assess costs. It governs only a clerk’s ability to collect assessed costs from nonindigent defendants.” (¶ 16)

“Because bringing an indicted defendant before the court to answer to criminal charges is an absolute prerequisite for prosecution of the case, extradition expenses are fundamentally “costs of prosecution.”” (¶ 17)

FACTUAL BACKGROUND

While on probation for a prior sexual-imposition conviction, Finfrock moved from Ohio to Minnesota in 2019 and failed to comply with Ohio sex-offender-registration requirements. An Allen County grand jury indicted him

in 2021, and he was later returned to Ohio from Minnesota in 2025 to face the charges. He pleaded guilty to one count, received a 12-month Ohio prison term consecutive to his Minnesota sentence, and was assessed prosecution and extradition costs.

PROCEDURAL HISTORY

An Allen County grand jury indicted Finfrock in 2021 for failing to provide notice of a change of address and failing to verify his address under Ohio's sex-offender-registration statutes. After he was returned from Minnesota in 2025, he pleaded guilty to one count pursuant to a plea agreement under which the other count was dismissed. The trial court imposed a 12-month Ohio prison term consecutive to Finfrock's Minnesota prison term and assessed prosecution costs, including extradition costs. The appellate court overruled both assignments of error and affirmed, remanding only for execution of the judgment for costs.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The cause was remanded to the trial court solely for execution of the judgment for costs. The appellate clerk was directed to certify the judgment and opinion to the trial court as the mandate under App.R. 27.

CASES CITED

- State v. Glover, 2024-Ohio-5195, ¶ 40
- State v. Warren, 2018-Ohio-4757, ¶ 14 (1st Dist.)
- State v. West, 2022-Ohio-4069, ¶ 23 (3d Dist.)
- State v. Henslee, 2017-Ohio-5786, ¶ 13 (5th Dist.)
- State v. Noling, 2002-Ohio-7044, ¶ 62
- State v. Long, 53 Ohio St.2d 91 (1978), paragraph three of the syllabus
- State v. Beckwith, 2022-Ohio-2362 (8th Dist.)
- State v. Snowden, 2019-Ohio-3006 (2d Dist.)
- State v. White, 2004-Ohio-5989, ¶ 8
- State ex rel. Franklin Cty. Commrs. v. Guilbert, 77 Ohio St. 333, 338 (1907)
- City of Middleburg Hts. v. Quinones, 2008-Ohio-6811, ¶ 8
- State v. Ball, 2023-Ohio-4352, ¶ 10 (12th Dist.)