

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

State v. Eaton

2026-Ohio-1691 · No. 9-25-32 · Decided May 11, 2026

SUMMARY

The Ohio Third District Court of Appeals affirmed Shane Eaton’s twelve-month prison sentence for fifth-degree felony forgery. The court held that the sentence was within the statutory range and was not clearly and convincingly contrary to law. It rejected Eaton’s claim that the trial court failed to provide an opportunity to review or comment on the presentence investigation report, finding no record evidence of noncompliance or prejudice.

CASE DETAILS

COURT	Court of Appeals of Ohio, Third Appellate District, Marion County
WRITING FOR THE COURT	Juergen A. Waldick; Mark C. Miller; John R. Willamowski
JURISDICTION	Ohio Court of Appeals, Third Appellate District, Marion County
DECIDED	May 11, 2026
DOCKET	9-25-32
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a felony sentencing judgment entered after he pleaded guilty to one count of fifth-degree felony forgery pursuant to a negotiated plea agreement.
STANDARD OF REVIEW	A sentence is reviewed to determine whether it is clearly and convincingly contrary to law under R.C. 2953.08.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Shane G. Eaton v. State of Ohio

TOPICS

- sentencing
- standard of review
- criminal procedure
- appellate procedure
- arraignment

PRACTICE AREAS

- criminal law
- felony sentencing
- appellate criminal procedure

QUESTIONS PRESENTED

1. Whether Eaton's twelve-month prison sentence for fifth-degree felony forgery was clearly and convincingly contrary to law because the trial court allegedly failed to give Eaton or his counsel an opportunity to review, comment on, or challenge inaccuracies in the presentence investigation report.
2. Whether the trial court's consideration of the statutory felony-sentencing purposes, principles, seriousness factors, and recidivism factors supported the prison sentence imposed within the statutory range.

HOLDINGS

1. The sentence was not clearly and convincingly contrary to law because the record did not affirmatively establish that the trial court failed to comply with R.C. 2951.03. The record showed no denial of access to the report, no attempted defense comment that was rejected, and no identified factual inaccuracy or resulting prejudice.
2. The twelve-month prison sentence was not contrary to law because the trial court considered the purposes and principles of felony sentencing and the seriousness and recidivism factors, community control was not mandatory under the circumstances, and twelve months was within the statutory range for a fifth-degree felony.

KEY QUOTATIONS

“The standard of review in this sentencing appeal is whether the sentence is clearly and convincingly contrary to law.” (¶9)

“Eaton points to nothing in the record here affirmatively establishing that the trial court failed to comply with those provisions.” (¶18)

“However, as there is nothing in the record before us to suggest that the trial court actually failed to comply with the provisions of R.C. 2951.03, we find no merit to Eaton’s argument that his sentence is contrary to law on that basis.” (¶21)

“As the trial court gave consideration to the applicable sentencing factors set forth by statute and because the prison sentence imposed is within the statutory range of sentencing options, the sentence in this case is supported by the record and is not clearly and convincingly contrary to law.” (¶22)

FACTUAL BACKGROUND

Eaton was indicted for three counts of fifth-degree felony forgery based on allegations that he falsified records concerning prior military service to defraud an American Legion post. He pleaded guilty to one count, and the State dismissed the other two counts. Although the parties jointly recommended community control, the trial court imposed a twelve-month prison term after considering Eaton's prior federal conviction, an active probation-violation warrant, and the statutory sentencing factors. The presentence investigation report was prepared and included information about Eaton's criminal history, but the record did not establish that Eaton or his counsel were denied access to the report or an opportunity to comment on it.

PROCEDURAL HISTORY

A Marion County grand jury indicted Eaton on three counts of fifth-degree felony forgery. Eaton initially pleaded not guilty, later pleaded guilty to Count 1 under a negotiated agreement, and the State dismissed the remaining counts. The trial court ordered a presentence investigation and imposed a twelve-month prison term. Eaton appealed, arguing that the sentence was contrary to law because he and his counsel were not given an opportunity to review or challenge the presentence investigation report. The Court of Appeals affirmed, while remanding only for execution of the judgment for appellate costs.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The cause is remanded to the trial court only for execution of the judgment for appellate costs and issuance of the mandate under App.R. 27 and App.R. 30.

CASES CITED

- State v. Marcum, 2016-Ohio-1002, ¶ 10
- 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, ¶ 16 (2d Dist.)
- State v. Warwick, 2018-Ohio-139 (12th Dist.)
- State v. Richardson, 2013-Ohio-1374 (2d Dist.)

OPINION

PER CURIAM.

[Cite as State v. Eaton, 2026-Ohio-1691.] IN THE COURT OF APPEALS OF OHIO THIRD APPELLATE DISTRICT MARION COUNTY STATE OF OHIO, CASE NO. 9-25-32 PLAINTIFF-APPELLEE, v. SHANE G. EATON, OPINION AND JUDGMENT ENTRY DEFENDANT-APPELLANT. Appeal from Marion County Common Pleas Court General Division Trial Court No. 25-CR-118 Judgment Affirmed Date of Decision: May 11, 2026 APPEARANCES: William T. Cramer for Appellant T. Parker Schwartz II for Appellee Case No. 9-25-32 WALDICK, J. {¶1} Defendant-appellant, Shane Eaton (“Eaton”), appeals the judgment of sentence entered against him in the Marion County Court of Common Pleas on November 13, 2025.

For the reasons set forth below, we affirm. Procedural History and Relevant Facts {¶2} This case originated on March 19, 2025, when a Marion County grand jury returned a three-count indictment against Eaton. Each of the three counts of the indictment charged Eaton with Forgery in violation of R.C. 2913.31(A)(2), with each count being a fifth-degree felony.

The charges in the indictment were based on the allegation that Eaton had defrauded an American Legion post by falsifying records relating to prior military service. {¶3} On June 30, 2025, an arraignment was held and Eaton entered an initial plea of not guilty to all counts in the indictment. Several months of pretrial proceedings then ensued. {¶4} On October 15, 2025, the case was resolved with a negotiated plea of guilty.

At that time, Eaton pled guilty to Count 1 of the indictment and, pursuant to the plea agreement, the State of Ohio dismissed the remaining two counts. The trial court accepted the guilty plea and ordered a presentence investigation. -2- Case No. 9-25-32 {¶5} On November 10, 2025, a sentencing hearing was held and Eaton was sentenced to a 12-month prison term.

On November 13, 2025, the trial court journalized its sentencing orders. {¶6} On November 25, 2025, the trial court filed a nunc pro tunc judgment entry to correct a scrivener's error in the November 13, 2025 judgment entry of sentencing. {¶7} On December 1, 2025, Eaton filed this appeal, in which he raises one assignment of error for this Court's review. Assignment of Error Appellant's prison term was contrary to law in violation of R.C.

2953.08(G)(2)(b) because the trial court did not give the defense an opportunity to challenge the presentencing investigation report. {¶8} In the sole assignment of error, Eaton argues that his sentence was contrary to law. Specifically, Eaton asserts that the trial court erred in sentencing him to twelve months in prison without first giving Eaton or his counsel an opportunity to comment on the presentence investigation and to challenge any inaccuracies therein. {¶9} The standard of review in this sentencing appeal is whether the sentence is clearly and convincingly contrary to law.

State v. Marcum, 2016-Ohio-1002, ¶ 10; R.C. 2953.08. The Supreme Court of Ohio has further limited sentencing review by holding that R.C. 2953.08(G)(2)(b) "does not provide a basis for an appellate -3- Case No. 9-25-32 court to 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." State v. Jones, 2020-Ohio-6729, ¶ 39.

A trial court has full discretion to impose any sentence within the statutory range. State v. Johnson, 2021-Ohio-1768, ¶ 9 (3d Dist). "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. Id., citing State v. Dorsey, 2021-Ohio-76, ¶ 16 (2d Dist.). {¶10} With regard to the sentence imposed in the instant case, Eaton was convicted of Forgery, a felony of the fifth degree in violation of R.C. 2913.31(A)(2). Pursuant to R.C. 2929.13(B), a trial court is required to impose a sentence of community control upon an offender convicted of a fifth-degree felony that is not an

offense of violence or a qualifying assault offense, unless certain specified factors are present, such as a prior felony conviction or other aggravating circumstances.

In cases where a sentence of community control is not mandated by R.C. 2929.13(B), the authorized range of prison sentences for a fifth-degree felony is a definite prison term of six, seven, eight, nine, ten, eleven, or twelve months. R.C. 2929.14(A)(5). {¶11} At the sentencing hearing in the instant case, the parties jointly recommended a sentence of community control, although counsel for the prosecution and counsel for the defense both noted, as also reflected by the -4- Case No. 9-25-32 presentence investigation, that Eaton had prior criminal convictions.

Through Eaton's own direct statement to the court, he indicated that he took full responsibility for his actions in this case and that he was remorseful for the fraud he perpetrated upon the American Legion. Eaton represented that he falsified a prior military record in order to participate as an officer in the American Legion and to help the veterans served by that organization. {¶12} Prior to imposing sentence, the trial court noted on the record at the sentencing hearing that it had considered the principles and purposes of sentencing, and the court also noted that it had given consideration to the seriousness and recidivism factors set forth in R.C.

2929.12. Upon consideration of those various factors, the trial court found that Eaton's likelihood of recidivism was high, based on his prior criminal record. The trial court therefore rejected the parties' joint sentencing recommendation of community control and the court imposed a twelve-month prison sentence. {¶13} Upon review, we find that the record adequately supports the trial court's determination that Eaton was not amenable to community control and should be sentenced to prison.

Specifically, the record reflects that Eaton had a prior federal conviction in 2015 for making a false statement to a federal agent, for which he was sentenced to probation. The presentence report in this case further reflects that an arrest warrant for a probation violation had been issued in that prior case by the federal authorities in 2018, and that probation violation warrant was still active -5- Case No. 9-25-32 at the time of sentencing in this case.

The fact that Eaton committed the offense in the instant case while on probation in that prior case is one of the circumstances set forth in R.C. 2929.13(B) serving to overcome the requirement that community control be imposed for a felony of the fifth degree. R.C. 2929.13(B)(1)(b)(x). {¶14} In summary, the record before us confirms that the trial court considered the overriding purposes of felony sentencing set forth in R.C.

2929.11 and the statutory factors relating to seriousness and recidivism set forth in R.C. 2929.12. Consideration of those factors supports the trial court's sentencing decision, as does the fact that community control was not required by R.C. 2929.13(B) on the circumstances of this case.

Additionally, the twelve-month prison term imposed by the trial court was within the statutory range established by R.C.

2929.14(A)(5). {¶15} Notwithstanding all of the above, Eaton argues on appeal that his sentence is contrary to law because the trial court sentenced him to twelve months in prison without first giving Eaton and his counsel an opportunity to comment on the presentence investigation and to challenge any inaccuracies therein. {¶16} In support of that argument, Eaton relies on R.C.

2951.03, which provides in relevant part: (A)(1) Unless the defendant and the prosecutor who is handling the case against the defendant agree to waive the presentence investigation report, no person who has been convicted of or pleaded guilty to a felony shall be placed under a community control sanction -6- Case No. 9-25-32 until a written presentence investigation report has been considered by the court. * * * * (B)(1) If a presentence investigation report is prepared pursuant to this section, section 2947.06 of the Revised Code, or Criminal Rule 32.2, the court, at a reasonable time before imposing sentence, shall permit the defendant or the defendant's counsel to read the report, except that the court shall not permit the defendant or the defendant's counsel to read any of the following: (a) Any recommendation as to sentence; (b) Any diagnostic opinions that, if disclosed, the court believes might seriously disrupt a program of rehabilitation for the defendant; (c) Any sources of information obtained upon a promise of confidentiality; (d) Any other information that, if disclosed, the court believes might result in physical harm or some other type of harm to the defendant or to any other person.

(2) Prior to sentencing, the court shall permit the defendant and the defendant's counsel to comment on the presentence investigation report and, in its discretion, may permit the defendant and the defendant's counsel to introduce testimony or other information that relates to any alleged factual inaccuracy contained in the report. {¶17} In this case, Eaton asserts that the trial court did not comply with R.C.

2951.03(B)(2), noting in his merit brief on appeal, "[t]rial courts typically comply with this provision by asking the parties if they have any issues with the presentence investigation report, but the trial court failed to do so in this case." Eaton asserts that the failure to do so renders the sentence here contrary to law.

We disagree. -7- Case No. 9-25-32 {¶18} While R.C. 2951.03(B)(1) requires, with certain exceptions, that a defendant or his counsel be permitted to read the presentence investigation report at a reasonable time before sentencing and R.C. 2951.03(B)(2) provides that a trial court permit the defendant and his counsel to comment on the presentence report prior to sentence being imposed, Eaton points to nothing in the record here affirmatively establishing that the trial court failed to comply with those provisions. {¶19} Specifically, there is nothing in the record demonstrating that Eaton or his counsel were denied access to the presentence investigation report,

and neither Eaton or his counsel objected at the sentencing hearing to not receiving the opportunity to review that report.

While defense counsel did not expressly acknowledge his receipt or review of the presentence investigation report on the record at sentencing, the statements made by defense counsel in mitigation of sentence during that hearing reflect an awareness on counsel's part of the contents of the presentence investigation. Nor does the record reflect that either Eaton or his counsel attempted to comment on any inaccuracies in the presentence report and that the trial court denied them the opportunity to do so. {¶20} More importantly, the presentence investigation report is part of the record on appeal and we note that Eaton does not allege that any information contained therein is factually inaccurate, nor does he identify any actual prejudice that resulted to him from any inaccuracies in the report or from the trial court's overall handling of the matters relating to the presentence investigation.

Rather, the -8- Case No. 9-25-32 record reflects that the trial court ordered that a presentence investigation report be prepared, that it was prepared, and that the trial court referenced the presentence report at the sentencing hearing without any objection or comment from the defense when there was ample opportunity to make any such objection or comment. {¶21} We note that a better practice would be for the trial court to expressly acknowledge on the record at sentencing that the defense had been granted access to the presentence investigation report and to then specifically inquire of the defense whether it had any objection or comments relating to the accuracy of the information contained in the report.

However, as there is nothing in the record before us to suggest that the trial court actually failed to comply with the provisions of R.C. 2951.03, we find no merit to Eaton's argument that his sentence is contrary to law on that basis. Accord *State v. Warwick*, 2018-Ohio-139 (12th Dist.); *State v. Richardson*, 2013-Ohio-1374 (2d Dist.). {¶22} As the trial court gave consideration to the applicable sentencing factors set forth by statute and because the prison sentence imposed is within the statutory range of sentencing options, the sentence in this case is supported by the record and is not clearly and convincingly contrary to law. {¶23} The assignment of error is overruled. -9- Case No. 9-25-32 Conclusion {¶24} Having found no error prejudicial to the defendant-appellant, Shane Eaton, in the particulars assigned and argued, the November 13, 2025 judgment of the Marion County Court of Common Pleas is affirmed.

Judgment affirmed MILLER and WILLAMOWSKI, J.J., concur. -10- Case No. 9-25-32 JUDGMENT ENTRY For the reasons stated in the opinion of this Court, the assignment of error is overruled and it is the judgment and order of this Court that the judgment of the trial court is affirmed with costs assessed to Appellant for which judgment is hereby rendered.

The cause is hereby remanded to the trial court for execution of the judgment for costs. It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the

trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket.

See App.R. 30. Juergen A. Waldick, Judge Mark C. Miller, Judge John R. Willamowski, Judge
DATED: /jlm -11-