

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.)