

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

State v. Mims

2023-Ohio-1044 (Ohio Ct. App. 2023) · No. 111780 · Decided March 30, 2023

SUMMARY

The Ohio Eighth District Court of Appeals held that the state's appeal of Jamone Mims's sentence was ripe and within the court's jurisdiction. The court ruled that jail-time credit cannot be applied to the mandatory prison term for a firearm specification under R.C. 2929.14(B)(1)(b) and State v. Moore. It reversed in part and remanded for a limited resentencing entry applying the credit to the underlying felony sentence instead.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Eileen A. Gallagher, Presiding Judge; Mary Eileen Kilbane, Judge; Eileen T. Gallagher, Judge
JURISDICTION	Ohio
DECIDED	March 30, 2023
DOCKET	111780
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State of Ohio obtained leave to appeal a felony sentencing entry under App.R. 5(C) and R.C. 2945.67, challenging the trial court's application of jail-time credit to a mandatory firearm-specification sentence. Mims moved to dismiss on ripeness and jurisdiction grounds. The appellate court denied the motion, found the appeal ripe and within its jurisdiction, sustained the State's assignment of error, and ordered a limited resentencing.
STANDARD OF REVIEW	Felony sentences are reviewed under R.C. 2953.08(G)(2). The appellate court may increase, reduce, modify, or vacate and remand a sentence if it clearly and convincingly finds that the record does not support specified sentencing findings or that the sentence is otherwise contrary to law.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion

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QUESTIONS PRESENTED

1. Whether the State's challenge to the sentencing entry was ripe for adjudication before Mims was granted judicial release.
2. Whether the appellate court had jurisdiction to review a sentencing entry that phrased the challenged allocation of jail-time credit as a request to the Department of Rehabilitation and Correction.
3. Whether R.C. 2929.14(B)(1)(b) permits jail-time credit to be applied to a mandatory prison term imposed for a firearm specification.
4. Whether refusing to apply jail-time credit to the mandatory firearm-specification term violated equal protection because Mims was indigent and unable to post bond.

HOLDINGS

1. The appeal was constitutionally and prudentially ripe because the challenged sentencing entry created an existing legal injury, presented a purely legal issue that would not be clarified by further factual development, and postponing review could cause hardship to the parties.
2. The appellate court had jurisdiction to review the sentencing entry even though the trial court characterized the challenged directive as a request to the Department of Rehabilitation and Correction.
3. A sentencing entry may not apply jail-time credit to a mandatory prison term imposed for a firearm specification. The trial court's contrary directive violated R.C. 2929.14(B)(1)(b) and was contrary to law.
4. Refusing to apply jail-time credit to the mandatory firearm-specification term did not violate equal protection, even though Mims was indigent and unable to post bond.

KEY QUOTATIONS

“The trial court’s sentencing entry was a final, appealable order and it applied jail-time credit to the mandatory prison term imposed on the firearm specification.” (¶ 25)

“In other words, however well-intentioned a trial court may be in crafting a criminal sentence, it has no discretion to impose a sentence that is contrary to law.” (¶ 31)

“The Supreme Court in Moore held that R.C. 2929.14(B)(1)(b) does not allow jail-time credit to be applied to mandatory firearm-specification sentences.” (¶ 33)

“The trial court is directed to vacate its prior sentencing order and issue a new journal entry that does not include a request to apply jail-time credit to the mandatory prison term but instead applies that credit to the underlying felony sentence.” (¶ 43)

FACTUAL BACKGROUND

Mims was indicted for felonious assault under R.C. 2903.11(A)(2) with a one-year firearm specification under R.C. 2941.141(A), among other offenses. He pleaded guilty to the charge and specification after spending approximately 20 months in pretrial detention, and the trial court calculated 588 days of jail-time credit. The court imposed the mandatory one-year firearm-specification term before and consecutive to an indefinite two-to-three-year sentence for the underlying felony, but directed that the jail-time credit be applied to the firearm-specification term because of the pandemic-related circumstances and Mims's detention.

PROCEDURAL HISTORY

A Cuyahoga County grand jury indicted Mims for felonious assault with a firearm specification and other offenses. Mims pleaded guilty to the felonious-assault charge and specification, and the State dismissed the remaining counts. The trial court imposed a one-year mandatory firearm-specification term consecutive to an indefinite two-to-three-year sentence for the underlying felony and directed that jail-time credit be applied first to the specification. The State appealed after obtaining leave, and the Eighth District reversed that portion of the sentence and remanded for a corrected sentencing entry.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must conduct a limited resentencing, vacate the prior sentencing order, and issue a new journal entry that does not request application of jail-time credit to the mandatory firearm-specification term and instead applies the credit to the underlying felony sentence.

CASES CITED

- State v. Maddox, 168 Ohio St.3d 292, 2022-Ohio-764, 198 N.E.3d 797
- Keller v. Columbus, 100 Ohio St.3d 192, 2003-Ohio-5599, 797 N.E.2d 964
- Natl. Park Hospitality Assn. v. Dept. of Interior, 538 U.S. 803, 808, 123 S.Ct. 2026, 155 L.Ed.2d 1017 (2003)
- Natl. Treasury Emps. Union v. United States, 101 F.3d 1423, 1428 (D.C. Cir. 1996)
- Hill v. Snyder, 878 F.3d 193, 213 (6th Cir. 2017)
- Thomas v. Union Carbide Agricultural Prods. Co., 473 U.S. 568, 581, 105 S.Ct. 3325, 87 L.Ed.2d 409 (1985)
- State v. Gamble, 2021-Ohio-1810, 173 N.E.3d 132 (8th Dist.)
- State ex rel. Elyria Foundry Co. v. Indus. Comm. of Ohio, 82 Ohio St.3d 88, 89, 694 N.E.2d 459 (1998)
- Abbot Laboratories v. Gardner, 387 U.S. 136, 148, 87 S.Ct. 1507, 18 L.Ed.2d 681 (1967)
- State v. Henderson, 161 Ohio St.3d 285, 2020-Ohio-4784, 162 N.E.3d 776, ¶¶ 1, 43

- State v. Cruz, 8th Dist. Cuyahoga No. 109770, 2021-Ohio-947, ¶¶ 6, 12
- Olmsted Twp. v. Ritchie, 2022-Ohio-124, 181 N.E.3d 649, ¶¶ 2-6, 8, 10 & n.2 (8th Dist.)
- State ex rel. Fraley v. Ohio Dept. Rehab. & Corr., 161 Ohio St.3d 209, 2020-Ohio-4410, 161 N.E.3d 646, ¶ 17
- State v. Grimes, 151 Ohio St.3d 19, 2017-Ohio-2927, 85 N.E.3d 700, ¶ 21
- State v. Hudson, 161 Ohio St.3d 166, 2020-Ohio-3849, 161 N.E.3d 608
- State v. Marcum, 146 Ohio St.3d 516, 2016-Ohio-1002, 59 N.E.3d 1231, ¶ 21
- State v. Franklin, 8th Dist. Cuyahoga No. 107482, 2019-Ohio-3760, ¶ 29
- Cross v. Ledford, 161 Ohio St. 469, 120 N.E.2d 118 (1954)
- State v. Moore, 154 Ohio St.3d 94, 2018-Ohio-3237, 111 N.E.3d 1146
- State v. Morris, 55 Ohio St.2d 101, 112, 378 N.E.2d 708 (1978)
- State v. Anderson, 143 Ohio St.3d 173, 2015-Ohio-2089, 35 N.E.3d 512, ¶¶ 10, 12
- State v. Beasley, 14 Ohio St.3d 74, 75, 471 N.E.2d 774 (1984)
- State v. Fischer, 128 Ohio St.3d 92, 2010-Ohio-6238, 942 N.E.2d 332, ¶ 22
- State v. Moore, 2017-Ohio-673, 85 N.E.3d 547, ¶ 26 (6th Dist.)

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