IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NOS. C-170341 C-170342
Plaintiff-Appellee,	:	C-170343 C-170344
vs.	:	TRIAL NOS. 17CRB-4281 A &B 17CRB-5788
DAVID RONAN,	:	17CRB-13163 A
Defendant-Appellant.	:	*JUDGMENT ENTRY.*

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant David Ronan pled guilty to four misdemeanors—menacing, telecommunications harassment, persistent disorderly conduct, and obstructing official business—in exchange for the dismissal of a charge of possession of a dangerous drug. The trial court imposed the maximum sentence on all four misdemeanor offenses, 330 days in total, and ordered Ronan to serve them consecutively. This appeal followed.

In his first assignment of error, Ronan asserts that his guilty pleas were not voluntarily entered. On the record before us, we disagree. To determine whether a plea was properly entered, we conduct a de novo review of the record to ensure that the trial court complied with constitutional and procedural safeguards. *State v. Kelley*, 57 Ohio St.3d 127, 129, 566 N.E.2d 658 (1991). When a defendant enters a plea in a criminal case, the plea must be made knowingly, intelligently, and voluntarily.

Failure on any of those points renders enforcement of the plea unconstitutional under both the United States and Ohio Constitutions. *State v. Engle*, 74 Ohio St.3d 525, 527, 660 N.E.2d 450 (1996).

Here, Ronan argues that his pleas were not voluntary because he was not informed of the maximum possible sentences for the original charges, which included the drug-possession charge. However, the rules of pleading contain no such requirement. The misdemeanors to which Ronan pled guilty are all petty offenses, or offenses for which the penalty includes confinement for six months or less. Under Crim.R. 11(E), "[i]n misdemeanor cases involving petty offenses the court * * * shall not accept such pleas without first informing the defendant of the effect of the plea of guilty * * *." In this case, the trial court adequately informed Ronan of the effect of his guilty pleas as evidenced by the plea colloquy. Ronan pled guilty to menacing, telecommunications harassment, persistent disorderly conduct, and obstructing official business, and was informed of the maximum possible sentences on these charges. Because Ronan did not plead guilty to drug possession, the trial court was not obligated to inform him of the effects of the pleading guilty to that charge. Therefore, we overrule Ronan's first assignment of error.

In his second assignment of error, Ronan contends that the trial court failed to merge his convictions for menacing and telecommunications harassment as allied offenses of similar import. Under R.C. 2941.25, allied offenses of similar import must be merged. When considering whether allied offenses merge into a single conviction under R.C. 2941.25(A), the reviewing court must first take into account the conduct of the defendant. *State v. Ruff*, 143 Ohio St.3d 114, 2015-Ohio-995, 34 N.E.3d 892, ¶ 25. "If any of the following is true, the offenses cannot merge and the defendant may be convicted and sentenced for multiple offenses: (1) the offenses are

dissimilar in import or significance—in other words, each offense caused separate, identifiable harm, (2) the offenses were committed separately, or (3) the offenses were committed with separate animus or motivation." *Id.* *See State v. Underwood*, 124 Ohio St.3d 365, 2010-Ohio-1, 922 N.E.2d 923.

The record demonstrates that Ronan's convictions for menacing and telecommunications harassment were based on separate threats made to two different victims via a telephone call to the victims' residence. To the first victim, Ronan stated that he was going to shoot the victim's grandson; to the second victim, Ronan said that he was going to "beat up" her whole family. Ronan's conduct victimized two people in separate exchanges with different threats, thus the harm was separate and distinct. Therefore, the convictions for menacing and telecommunications harassment are not of similar import and do not merge. We overrule Ronan's second assignment of error.

In his third assignment of error, Ronan argues that the trial court abused its discretion in sentencing him to maximum and consecutive sentences. Regarding Ronan's maximum sentences, "[w]here the trial court imposes a misdemeanor sentence within the statutory range for the offense, we presume that the trial court considered the appropriate misdemeanor-sentencing considerations set forth in R.C. 2929.21 and 2929.22." *State v. Brown*, 1st Dist. Hamilton No. C-140509, 2015-Ohio-2960, ¶ 10. Concerning Ronan's consecutive sentences, the Ohio Revised Code does not provide any requirements for imposing consecutive sentences for misdemeanors, other than limiting the total amount of service to 18 months. *See, e.g., State v. Strohm*, 153 Ohio App.3d 1, 2003-Ohio-1202, 790 N.E.2d 796 (3d Dist.). Here, Ronan's sentences were within the range for each misdemeanor

offense, see R.C. 2929.24(A)(1), and the total amount of service is less than 18 months. Therefore, we overrule Ronan's third assignment of error.

The judgment of the trial court is affirmed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

ZAYAS, P.J., MILLER and **DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on April 11, 2018

per order of the court _____.

Presiding Judge