

COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT,  
GEAUGA COUNTY

State v. Conacher

2025-Ohio-5568 · No. 2025-G-0020 · Decided December 15, 2025

SUMMARY

The Ohio Court of Appeals, Eleventh Appellate District, affirmed Elizabeth R. Conacher’s sentence following her guilty plea to aggravated trafficking in drugs. The court held that the sentencing court permissibly considered undisputed uncharged conduct and that Conacher failed to establish ineffective assistance of counsel based on the alleged consideration of her failure to identify the drug source.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Ohio, Eleventh Appellate District, Geauga County                                                                                                                                                                                                                                                                                                          |
| WRITING FOR THE COURT | Matt Lynch; Robert J. Patton, P.J.; Scott Lynch, J.                                                                                                                                                                                                                                                                                                                           |
| JURISDICTION          | Court of Appeals of Ohio, Eleventh Appellate District, Geauga County                                                                                                                                                                                                                                                                                                          |
| DECIDED               | December 15, 2025                                                                                                                                                                                                                                                                                                                                                             |
| DOCKET                | 2025-G-0020                                                                                                                                                                                                                                                                                                                                                                   |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Conacher appealed from the judgment entry imposing sentence after her guilty plea to aggravated trafficking in drugs.                                                                                                                                                                                                                                                         |
| STANDARD OF REVIEW    | Under R.C. 2953.08(G)(2), an appellate court may increase, reduce, vacate, or otherwise modify a felony sentence only if it clearly and convincingly finds that the record does not support the trial court's findings under relevant statutes or that the sentence is otherwise contrary to law. Ineffective-assistance claims are governed by the two-part Strickland test. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                                                                                                     |
| PARTIES               | Elizabeth R. Conacher v. State of Ohio                                                                                                                                                                                                                                                                                                                                        |

TOPICS

- sentencing
- fifth amendment
- ineffective assistance
- standard of review
- appellate procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the trial court imposed a sentence contrary to law or violated due process by considering uncharged conduct, including an overdose death allegedly connected to Conacher's drug trafficking.
2. Whether Conacher received ineffective assistance of counsel when trial counsel failed to object to the trial court's reference to her alleged refusal to identify the source of the drugs, allegedly penalizing her exercise of the Fifth Amendment privilege against self-incrimination.

## HOLDINGS

1. A sentencing court may consider a defendant's uncharged, undisputed conduct when imposing a felony sentence, so long as that conduct is not the sole basis for the sentence. Because the overdose death was not the sole basis for Conacher's sentence and the record supported consideration of other relevant conduct and recidivism factors, the sentence was not contrary to law and did not violate due process.
2. Conacher did not establish ineffective assistance of counsel because the record did not show that she invoked the Fifth Amendment privilege, that the trial court compelled her to identify the drug source, or that counsel performed deficiently by failing to object. She also failed to show a reasonable probability that an objection would have resulted in a lesser sentence.

## KEY QUOTATIONS

*"A defendant's uncharged yet undisputed conduct may be considered in sentencing without resulting in error when it is not the sole basis for the sentence."* (§ 10)

*"Thus, 'a guilty plea does not waive the self-incrimination privilege at sentencing,' Mitchell at 314, and '[a] sentencing court may not draw an adverse inference from a defendant's silence in determining facts relating to the circumstances and details of the crime,' id. at 315."* (§ 17)

*"Moreover, because the trial court considered other significant factors when imposing sentence, Conacher has not demonstrated that the court would have imposed a lesser sentence had defense counsel objected."* (§ 20)

## FACTUAL BACKGROUND

Conacher was indicted on nine drug-related counts after multiple controlled buys conducted by the Geauga County Sheriff's Office. She pleaded guilty to aggravated trafficking in drugs involving more than five times the bulk amount of methamphetamine, and the remaining counts were dismissed. At sentencing, the prosecutor described multiple controlled buys involving fentanyl and methamphetamine, additional methamphetamine found at arrest, and an overdose death that initiated the investigation. The trial court imposed a five-to-seven-and-one-half-year prison sentence, considering the drug quantities, the duration and extent of Conacher's drug dealing, the overdose death, and recidivism-related factors.

## PROCEDURAL HISTORY

A nine-count indictment was filed in the Geauga County Court of Common Pleas. Conacher pleaded guilty to one count of aggravated trafficking in drugs, and the State dismissed the remaining counts. After a presentence investigation and sentencing hearing, the trial court imposed a five-to-seven-and-one-half-year prison term and related post-release control. Conacher appealed, challenging consideration of uncharged conduct and asserting ineffective assistance of counsel based on counsel's failure to object to alleged punishment for exercising the Fifth Amendment privilege.

## DISPOSITION

affirmed

## CASES CITED

- State v. Marcum, 2016-Ohio-1002, ¶ 1
- State v. Russell, 2020-Ohio-3243, ¶ 116 (11th Dist.)
- State v. Cooper, 2010-Ohio-1983, ¶ 15 (8th Dist.)
- State v. Bowser, 2010-Ohio-951, ¶ 15 (2d Dist.)
- State v. Cooley, 46 Ohio St.3d 20, 35 (1989)
- State v. Fox, 69 Ohio St.3d 183, 193 (1994)
- State v. Blaskis, 2025-Ohio-1896, ¶ 19 (11th Dist.)
- State v. Davis, 2020-Ohio-309, ¶ 10
- State v. Bradley, 42 Ohio St.3d 136, 141-142 (1989)
- Strickland v. Washington, 466 U.S. 668, 687, 689, 691, 694 (1984)
- State v. Burke, 2002-Ohio-5310, ¶ 7
- Malloy v. Hogan, 378 U.S. 1, 6 (1964)
- Minnesota v. Murphy, 465 U.S. 420, 426 (1984)
- Lefkowitz v. Turley, 414 U.S. 70, 77 (1973)
- State v. Brunson, 2022-Ohio-4299, ¶ 75
- Mitchell v. United States, 526 U.S. 314, 315, 328-330 (1999)
- Roberts v. United States, 445 U.S. 552, 554-560 (1980)
- Salinas v. Texas, 570 U.S. 178, 189 (2013)
- United States v. Morgan, 145 F.3d 1343, \*1 (9th Cir. 1998)
- Island v. United States, 946 F.2d 1335, 1339 (8th Cir. 1991)
- State v. Kaczynski, 258 Wis. 2d 653, ¶ 9 (2002)
- Holmes v. State, 76 Wis. 2d 259, 276 (1977)