

OHIO COURT OF APPEALS, TWELFTH DISTRICT, CLERMONT COUNTY

State v. Zink

2026-Ohio-868 · No. CA2025-04-026; CA2025-06-047 · Decided March 16, 2026

SUMMARY

The Ohio Twelfth District Court of Appeals affirmed Thomas Lee Zink's convictions for gross sexual imposition and unlawful sexual conduct with a minor. The court held that the trial court properly admitted a detective's lay testimony concerning delayed disclosures of child sexual abuse, limited cross-examination regarding an alleged prior false accusation, and overruled objections to the prosecutor's closing arguments. The court concluded that none of the asserted errors warranted reversal.

CASE DETAILS

COURT	Ohio Court of Appeals, Twelfth District, Clermont County
WRITING FOR THE COURT	Melena S. Siebert; Robert A. Hendrickson, Presiding Judge; Mike Powell, Judge; Melena S. Siebert, Judge
JURISDICTION	Ohio Twelfth District Court of Appeals, Clermont County
DECIDED	March 16, 2026
DOCKET	CA2025-04-026; CA2025-06-047
DISPOSITION	affirmed
PROCEDURAL POSTURE	Zink appealed his convictions following a jury trial in the Clermont County Court of Common Pleas, challenging the admission of lay testimony concerning delayed disclosure of child abuse, limitations on cross-examination concerning an alleged prior false allegation, and prosecutorial comments during closing argument.
STANDARD OF REVIEW	The admission of lay opinion testimony is reviewed for abuse of discretion. Prosecutorial-misconduct claims require proof that the challenged remarks were improper and prejudicial to substantial rights; the focus is on the fairness of the trial, and reversal requires a showing that the outcome clearly would have been different absent the improper acts.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Thomas Lee Zink v. State of Ohio

TOPICS

evidence

expert testimony

prosecutorial misconduct

appellate procedure

standard of review

PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by admitting a detective's testimony as lay opinion regarding the frequency and causes of delayed disclosures in child-abuse cases.
2. Whether the trial court improperly limited cross-examination concerning Alice's alleged prior false accusation that her father sexually abused her.
3. Whether the prosecutor's comments about defense counsel and Zink's mother during closing argument constituted prejudicial prosecutorial misconduct.

HOLDINGS

1. The trial court did not abuse its discretion by admitting the detective's testimony as lay opinion because it was rationally based on his training and personal experience investigating child-abuse cases and was helpful to the trier of fact.
2. The trial court properly limited the defense's questioning concerning Alice's alleged prior false allegation because the proposed extrinsic evidence was inadmissible, ambiguous, and only tangentially related to the issue, and any alleged falsity would bear on bias toward her father rather than bias or motive against Zink.
3. The prosecutor's comments concerning defense counsel and Zink's mother did not warrant reversal because, viewed in context, they were part of larger permissible arguments concerning witness testimony and motivation and were not prejudicial to the overall fairness of the trial.

KEY QUOTATIONS

"where an officer who is trained in child abuse cases provides testimony arising from his or her experience about delayed disclosures, such as that it is common for children to delay their disclosure, this testimony is admissible as lay opinion testimony." (¶ 19)

"For remarks in closing arguments to be deemed prosecutorial misconduct, the statements must be improper and must be prejudicial to a defendant's substantial rights." (¶ 27)

"The focus of 'an inquiry into allegations of prosecutorial misconduct is upon the fairness of the trial, not upon the culpability of the prosecutor.'" (¶ 27)

FACTUAL BACKGROUND

The State alleged that Zink sexually abused his two stepsisters, Jane and Alice, between 2016 and 2019. The victims did not disclose the abuse until March 2021, and the delayed disclosures became a significant trial issue.

A detective with 17 years of law-enforcement experience and extensive child-abuse investigative and training experience testified about the frequency and reasons for delayed disclosures. During trial, the defense also attempted to question Alice about an alleged prior false accusation against her father and challenged the prosecutor's closing remarks concerning defense counsel and Zink's mother.

PROCEDURAL HISTORY

A grand jury indicted Zink in February 2024 on multiple sexual-offense and related charges. After a jury trial in February 2025, he was convicted of 11 counts of gross sexual imposition and six counts of unlawful sexual conduct with a minor; the remaining charges were dismissed. The trial court imposed an aggregate 18-year prison term, and the Twelfth District affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The mandate was ordered sent to the Clermont County Court of Common Pleas for execution upon the judgment. No substantive remand was ordered.

CASES CITED

- State v. Cansler, 2025-Ohio-2558, ¶ 1, fn. 1 (12th Dist.)
- State v. Speis, 2023-Ohio-1422, ¶¶ 30-31 (12th Dist.)
- State v. Marshall, 2010-Ohio-5160, ¶ 43 (2d Dist.)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- State ex rel. Moore v. Fornshell, 2025-Ohio-65, ¶ 19 (12th Dist.)
- State v. McKee, 2001-Ohio-41, ¶ 13
- State v. Tatum, 2011-Ohio-907, ¶ 17 (10th Dist.)
- State v. Sellers, 2022-Ohio-581, ¶ 30 (11th Dist.)
- State v. Jones, 2015-Ohio-4116, ¶ 111 (2d Dist.)
- State v. Miller, 2021-Ohio-162, ¶¶ 44-45 (12th Dist.)
- State v. Kaufhold, 2020-Ohio-3835, ¶ 42 (12th Dist.)
- State v. Combs, 2020-Ohio-5397, ¶ 19 (12th Dist.)
- State v. Gray, 2012-Ohio-4769, ¶ 57 (12th Dist.)
- State v. Kaaz, 2017-Ohio-5669, ¶ 102 (12th Dist.)