

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

State v. Williams

2026-Ohio-1953 · No. 31517 · Decided May 27, 2026

SUMMARY

The Ninth District Court of Appeals dismissed the State of Ohio’s attempted appeal from a trial court order declining to compel a witness to testify under R.C. 2945.44. The court held that the ruling was not appealable as of right because the State had proposed incomplete immunity and denied the State’s alternative motion for leave to appeal. A dissent would have granted leave and remanded for further proceedings concerning the adequacy of the trial court’s inquiry into the witness’s Fifth Amendment invocation.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Per curiam; Jennifer Hensal; Flagg Lanzinger; Carr
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	May 27, 2026
DOCKET	31517
DISPOSITION	dismissed
PROCEDURAL POSTURE	The State attempted to appeal during a criminal trial from the Summit County Court of Common Pleas's order declining to compel a witness to testify under Ohio's immunity statute. The State asserted an appeal as of right and alternatively sought leave to appeal.
STANDARD OF REVIEW	For an appeal by leave under R.C. 2945.67(A) and App.R. 5(C), the State must identify alleged trial-court error with reference to the record and establish the probability that the claimed error occurred. The decision whether to grant leave is within the Court of Appeals' discretion.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	State of Ohio v. Ahmere D. M. Williams

TOPICS

- appellate jurisdiction
- appellate procedure
- criminal procedure
- fifth amendment
- suppression of evidence

PRACTICE AREAS

criminal appellate procedure

criminal procedure

evidence

constitutional criminal procedure

QUESTIONS PRESENTED

1. Whether the State had an appeal as of right under R.C. 2945.67(A) and Crim.R. 12(K) from the trial court's refusal to compel a witness's testimony under R.C. 2945.44.
2. Whether the State should receive leave to appeal under R.C. 2945.67(A) and App.R. 5(C).
3. Whether an offer of incomplete immunity permits the State to invoke the compulsory-testimony procedure in R.C. 2945.44.

HOLDINGS

1. The State did not have an appeal as of right because the trial court's ruling was not an appealable evidentiary ruling of the type covered by R.C. 2945.67(A) and Crim.R. 12(K), particularly where the State attempted to invoke R.C. 2945.44 through an incomplete immunity offer.
2. The State's motion for leave to appeal was denied because, after considering the motion and the entire record, the court could not conclude that the State had established the probability that the claimed trial-court errors occurred.

KEY QUOTATIONS

“The State cannot invoke the procedure outlined in R.C. 2945.44 by proposing incomplete immunity.” (¶ 8)

“This attempted appeal is not an appeal as of right under R.C. 2945.67(A). The State’s motion for leave to appeal is denied. Accordingly, the attempted appeal is dismissed.” (¶ 12)

FACTUAL BACKGROUND

Williams was indicted for felonious assault and felony murder arising from the shooting death of T.A. J.P.-W. initially told police that he saw Williams fire a gun at the vehicle carrying T.A. and identified Williams in a photo array, but later indicated that he would invoke the Fifth Amendment. The State offered immunity excluding murder and without protection from possible federal charges, but J.P.-W. continued to refuse to testify.

PROCEDURAL HISTORY

Williams was indicted for felonious assault and felony murder. During trial, the State sought to call J.P.-W. as a court's witness and later requested that the trial court compel his testimony under R.C. 2945.44 based on a limited immunity offer. The trial court found that J.P.-W. had a legitimate basis to invoke the Fifth Amendment and that the State's incomplete immunity offer did not trigger a duty to compel testimony. The State appealed and alternatively moved for leave; the Court of Appeals dismissed the attempted appeal and denied leave.

DISPOSITION

dismissed

CASES CITED

- State v. Davidson, 17 Ohio St.3d 132 (1985)
- State v. Malinovsky, 60 Ohio St.3d 20 (1991)
- Akron v. Hockman, 144 Ohio App.3d 262 (9th Dist. 2001)
- State v. Neff, 135 Ohio App.3d 7 (3d Dist. 1999)
- State ex rel. Leis v. Outcalt, 1 Ohio St.3d 147 (1982)
- State v. Reiner, 93 Ohio St.3d 601 (2001)
- State v. Jones, 2025-Ohio-5389, ¶¶ 15, 17, 19
- State v. Antoline, 2003-Ohio-1130, ¶ 12 (9th Dist.)
- State v. Arnold, 2016-Ohio-1595, ¶¶ 31, 44-47
- Hoffman v. U.S., 341 U.S. 479 (1951)
- In re Morganroth, 718 F.2d 161 (6th Cir. 1983)
- State v. Bistricky, 51 Ohio St.3d 157 (1990)
- State v. Jackson, 2011-Ohio-986, ¶ 7 (9th Dist.)
- State v. Brasher, 2022-Ohio-4703, ¶ 23
- State v. Blankenship, 2016-Ohio-5458, ¶ 7 (9th Dist.)