

OHIO COURT OF APPEALS, ELEVENTH APPELLATE DISTRICT,
ASHTABULA COUNTY

State v. Turner

2026-Ohio-1504 · No. 2025-A-0052 · Decided April 27, 2026

SUMMARY

The Eleventh District Court of Appeals affirmed Maurice D. Turner's sentence of two years of community control following convictions for breaking and entering and aggravated possession of drugs. The court held that appellate review was precluded under R.C. 2953.08(D)(1) because the sentence, including successful completion of the NEOCAP community-based correctional program, was jointly recommended, authorized by law, and not opposed by Turner or his counsel.

CASE DETAILS

COURT	Ohio Court of Appeals, Eleventh Appellate District, Ashtabula County
WRITING FOR THE COURT	Robert J. Patton; John J. Eklund; Scott Lynch
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Ashtabula County
DECIDED	April 27, 2026
DOCKET	2025-A-0052
DISPOSITION	affirmed
PROCEDURAL POSTURE	Turner appealed from his felony sentencing judgment, challenging the requirement that he successfully complete the Northeast Ohio Community Alternative Program as a condition of community control.
STANDARD OF REVIEW	Under R.C. 2953.08(G)(2), an appellate court may modify or vacate a felony sentence only if it clearly and convincingly finds that the record does not support applicable statutory findings or that the sentence is otherwise contrary to law; the appellate court does not review merely for abuse of discretion. R.C. 2953.08(D)(1), however, precludes appellate review of a sentence that is authorized by law, jointly recommended by the parties, and imposed by the sentencing court.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Maurice D. Turner v. State of Ohio

TOPICS

sentencing

appellate procedure

standard of review

criminal procedure

preservation of error

PRACTICE AREAS

criminal law

sentencing

criminal appellate procedure

QUESTIONS PRESENTED

1. Whether R.C. 2953.08(D)(1) precluded appellate review of Turner’s jointly recommended sentence of community control.
2. Whether requiring Turner to successfully complete NEOCAP was a statutorily authorized community residential sanction and condition of community control.

HOLDINGS

1. R.C. 2953.08(D)(1) precludes appellate review when a sentence is authorized by law, jointly recommended by the parties, and imposed by the sentencing court. Because the parties jointly recommended two years of community control, the sentence was authorized by law, and the trial court imposed it, Turner’s challenge was not reviewable.
2. A term at NEOCAP, a community-based correctional facility, is a statutorily authorized community residential sanction that may be imposed as a condition of community control.

KEY QUOTATIONS

“However, R.C. 2953.08(D)(1) precludes appellate review when a sentence that is authorized by law and jointly recommended by the parties is imposed by the sentencing court.” (§10)

“A term in NEOCAP is statutorily authorized as a condition of community control.” (§12)

FACTUAL BACKGROUND

Police responding to a residence found two individuals crawling from a window with property taken from the building, including a guitar, electronics, and clothing. Turner also possessed a bag of methamphetamine. He pleaded guilty to breaking and entering and aggravated possession of drugs, and the parties jointly recommended two years of community control with treatment. The trial court ordered Turner to complete NEOCAP, and neither Turner nor his counsel objected to that condition at the plea or sentencing hearings.

PROCEDURAL HISTORY

An Ashtabula County grand jury indicted Turner for breaking and entering and aggravated possession of drugs. Turner pleaded guilty under a written plea agreement containing a jointly recommended sentence of community control. The trial court imposed two years of community control, including successful completion of NEOCAP. Turner appealed, and the Eleventh District held that appellate review was precluded because the sentence was jointly recommended, authorized by law, and imposed without objection.

DISPOSITION

affirmed

CASES CITED

- State v. Wiley, 2024-Ohio-5159, ¶18 (11th Dist.)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/ohio-court-of-appeals-eleventh-appellate-district-ashtabula-county-ohio-court-of-appeals-eleventh-ap/2026/state-v-turner-20nbtio>