

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT

State v. Abaya

2026-Ohio-2160 · No. WD-25-051 · Decided June 9, 2026

SUMMARY

The Sixth District Court of Appeals of Ohio affirmed Amanda C. Abaya’s convictions and concurrent prison sentences for aggravated trafficking in drugs and possession of a fentanyl-related compound. The court held that the trial court did not violate Abaya’s right of allocution under Ohio Criminal Rule 32(A)(1), because both her counsel and Abaya were given opportunities to address mitigation and the court’s comments did not prevent her from speaking.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District
WRITING FOR THE COURT	Charles E. Sulek; Thomas J. Osowik, P.J.; Gene A. Zmuda, J.; Charles E. Sulek, J.
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District
DECIDED	June 9, 2026
DOCKET	WD-25-051
DISPOSITION	affirmed
PROCEDURAL POSTURE	Abaya appealed her sentence from a judgment of the Wood County Court of Common Pleas, arguing that the trial court violated her right of allocution under Ohio Crim.R. 32(A)(1).
STANDARD OF REVIEW	The court reviewed whether the trial court's conduct violated the defendant's right to allocution and whether any interruption actually prevented her from speaking in support of mitigation; interruptions do not necessarily constitute prejudicial error requiring reversal.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals decision
PARTIES	Amanda C. Abaya v. State of Ohio

TOPICS

- sentencing
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court violated Abaya's right to allocution under Ohio Crim.R. 32(A)(1) by redirecting her from logistical questions about medical treatment and by interrupting her during sentencing.

HOLDINGS

1. The trial court did not violate Abaya's right to allocution because it afforded both her counsel and Abaya an opportunity to speak before imposing sentence and did not prevent her from speaking in support of mitigation.

KEY QUOTATIONS

“Although the right of allocution is absolute, it is not unlimited.” (§ 10)

“Accordingly, even if Abaya’s logistical questions about obtaining medical treatment and her expression of fear about her medical condition are construed as relevant to mitigation, there is no indication that the trial court’s statements prevented Abaya from exercising her right to allocution.” (§ 12)

FACTUAL BACKGROUND

Police stopped Abaya on April 9, 2022, after observing her weaving while driving and discovered two tennis balls containing methamphetamine. She pleaded guilty to aggravated trafficking in drugs and trafficking in a fentanyl-related compound pursuant to a plea agreement. At sentencing, Abaya and her counsel discussed her serious head injury and need for medical treatment, and the trial court imposed concurrent prison terms of four to six years and fifteen months.

PROCEDURAL HISTORY

A Wood County grand jury indicted Abaya on drug-trafficking and drug-possession charges. She ultimately pleaded guilty to two counts under a plea agreement, with two other counts dismissed at sentencing. After the trial court imposed concurrent prison terms, Abaya timely appealed. The Sixth District Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Champeau, 2024-Ohio-4602, ¶ 12 (2d Dist.)
- State v. Green, 90 Ohio St.3d 352, 359-360 (2000)
- State v. Brockington, 2019-Ohio-1812, ¶ 11 (6th Dist.)
- State v. Hofmann, 2004-Ohio-6655, ¶¶ 32-34 (6th Dist.)
- State v. Turner, 2019-Ohio-934, ¶¶ 32-34 (7th Dist.)

- State v. Cline, 2015-Ohio-4085, ¶¶ 13-15 (8th Dist.)
- State v. Roach, 2016-Ohio-4656, ¶ 16 (7th Dist.)
- State v. Servantes, 2023-Ohio-2116, ¶¶ 52-53 (11th Dist.)
- State v. Maston, 2021-Ohio-1975, ¶¶ 11-12 (2d Dist.)

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