

OHIO COURT OF APPEALS, FIRST APPELLATE DISTRICT, HAMILTON COUNTY

State v. Gibson

2026-Ohio-2007 · No. C-250134 · Decided May 29, 2026

SUMMARY

The First District Court of Appeals of Ohio affirmed the Hamilton County Municipal Court’s restitution order in a criminal-damaging case. The victim argued that her rights to notice, to be heard, and to full restitution under Ohio’s Marsy’s Law were violated. Because the victim did not provide transcripts of the trial-court proceedings, the appellate court presumed regularity and affirmed.

CASE DETAILS

COURT	Ohio Court of Appeals, First Appellate District, Hamilton County
WRITING FOR THE COURT	Bock; Kinsley, P.J.; Zayas, J.
JURISDICTION	Ohio Court of Appeals, First Appellate District, Hamilton County
DECIDED	May 29, 2026
DOCKET	C-250134
DISPOSITION	affirmed
PROCEDURAL POSTURE	Victim M.L. appealed the Hamilton County Municipal Court's restitution order, asserting that her rights to notice, to be heard, and to full restitution under Ohio's constitutional victims' rights provision were violated.
STANDARD OF REVIEW	The appellate court's review was limited to the record on appeal. When an alleged error depends on facts shown in a transcript and the appellant fails to provide the transcript, the court presumes the regularity of the lower court's proceedings and affirms.
PRECEDENTIAL VALUE	published
PARTIES	M.L., victim v. State of Ohio, Marcus Gibson

TOPICS

- appellate procedure
- appellate jurisdiction
- restitution criminal
- criminal procedure
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a crime victim may challenge a restitution order on direct appeal after the defendant has completed the sentence.
2. Whether the absence of a transcript required the appellate court to presume that the trial court and prosecutor complied with the victim's rights to notice, to be heard, and to restitution under Marsy's Law.

HOLDINGS

1. A crime victim may challenge a restitution order on direct appeal, and the defendant does not obtain an expectation of finality in the sentence while that direct appeal remains pending. If the appellate court sets aside a voidable sentence on direct appeal, the trial court retains jurisdiction on remand to impose a sentence authorized by law.
2. An appellant who challenges a trial court ruling based on facts shown in the proceedings must provide the necessary transcript or other record materials. Without a transcript or other material substantiating the victim's claims, the appellate court must presume the regularity of the proceedings and presume that the State and trial court complied with Marsy's Law.

KEY QUOTATIONS

“had the victims pursued restitution in a direct appeal, the trial court’s judgment would not have become final, avoiding the timing and jurisdictional issues created by the absence of a timely appeal and Brasher’s completion of his sentence.” (¶ 9)

“Without a transcript of the hearing, we “must presume the regularity of the lower court’s proceedings and affirm the judgment of the court below.”” (¶ 15)

“Absent a transcript or other material in the record to substantiate M.L.’s claims, we must presume the regularity of the proceedings and that the State and trial court complied with Marsy’s Law.” (¶ 16)

FACTUAL BACKGROUND

The State charged Marcus Gibson with misdemeanor criminal damaging after he allegedly poured bleach into M.L.'s vehicle's gas tank. The trial court issued two subpoenas for M.L.; she received the first, while the second could not be delivered because her apartment building was locked. Gibson pleaded no contest and was ordered to pay M.L. \$387 in restitution. M.L. asserted that she had provided information showing \$1,656.40 in economic losses and that she was denied notice and an opportunity to be heard.

PROCEDURAL HISTORY

The State charged Gibson with misdemeanor criminal damaging. Gibson pleaded no contest, was convicted, received 90 days in jail with credit for 90 days served, and was ordered to pay M.L. \$387 in restitution. M.L. appealed the restitution order, but did not provide a transcript of the trial court proceedings. The First District Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Brasher, 2022-Ohio-4703
- City of Centerville v. Knab, 2020-Ohio-5219
- State v. Mallory, 2025-Ohio-5064
- State v. Henderson, 2020-Ohio-4784
- State v. Harper, State v. Harper, 2020-Ohio-2913
- State v. Bishop, 2014-Ohio-173
- State v. Armengau, 2020-Ohio-3552
- State v. Bankston, 2026-Ohio-580
- State v. Bumu, 2017-Ohio-6901
- State v. Johnson, 2019-Ohio-287
- Ho v. Co, 2023-Ohio-2969
- State v. Neal, 2025-Ohio-2499