

COURT OF APPEALS OF OHIO, FIRST APPELLATE DISTRICT, HAMILTON
COUNTY

State v. Wilson

2026-Ohio-1178 · No. C-240696 · Decided April 1, 2026

SUMMARY

The First District Court of Appeals of Ohio affirmed in part and reversed in part Derrick J. Wilson's convictions for rape and gross sexual imposition. The court rejected challenges concerning hearsay, alleged Brady violations, ineffective assistance of counsel, cumulative error, and manifest weight of the evidence. It vacated the consecutive nature of Wilson's sentences and remanded for the trial court to make the required statutory findings under R.C. 2929.14(C)(4).

CASE DETAILS

COURT	Court of Appeals of Ohio, First Appellate District, Hamilton County
WRITING FOR THE COURT	Zayas, Presiding Judge; Nestor, Judge; Moore, Judge
JURISDICTION	Ohio Court of Appeals, First Appellate District, Hamilton County
DECIDED	April 1, 2026
DOCKET	C-240696
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Wilson appealed his jury convictions and aggregate sentence from the Hamilton County Court of Common Pleas, challenging evidentiary rulings, alleged Brady violations, ineffective assistance of counsel, cumulative error, the manifest weight of the evidence, and consecutive sentencing.
STANDARD OF REVIEW	Hearsay rulings are reviewed for abuse of discretion; unpreserved evidentiary claims are reviewed for plain error. Ineffective-assistance claims are evaluated under Strickland v. Washington. Manifest-weight claims require review of the entire record to determine whether the jury clearly lost its way and created a manifest miscarriage of justice. Consecutive-sentence findings are reviewed for compliance with R.C. 2929.14(C)(4).
PRECEDENTIAL VALUE	published
PARTIES	Derrick J. Wilson v. State of Ohio

TOPICS

criminal procedure

hearsay

ineffective assistance

sentencing

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate litigation

sentencing

QUESTIONS PRESENTED

1. Whether the trial court improperly admitted hearsay and other allegedly improper testimony and exhibits, including statements by K.C.'s mother, investigative testimony, Mayerson Center materials, and therapist testimony.
2. Whether the State violated *Brady v. Maryland* by disclosing during trial that a detective's attempted controlled call was unsuccessful.
3. Whether trial counsel was ineffective for failing to object to or agreeing to admission of the therapist's testimony, Mayerson Center materials, the State's timeline, and the Mayerson interview transcript, and for failing to object to testimony concerning the burden of attending court.
4. Whether the cumulative effect of trial errors deprived Wilson of a fair trial.
5. Whether the convictions were against the manifest weight of the evidence.
6. Whether the trial court erred by imposing consecutive sentences without making the findings required by R.C. 2929.14(C)(4).

HOLDINGS

1. The mother's testimony that K.C. told her Wilson raped her was inadmissible hearsay because the mother took no action upon hearing the disclosure, but its admission was harmless beyond a reasonable doubt because K.C. testified in detail about telling her mother the abuse details.
2. The trial court did not err in admitting the detective's testimony because it explained the course of the investigation, was relevant to the defense challenge to the investigation, did not connect Wilson to the crime, and was not substantially outweighed by unfair prejudice.
3. The admission of the Mayerson Center interview materials and statements made to the social worker did not warrant reversal. Statements made for purposes of medical diagnosis or treatment, including mental-health treatment and information about the perpetrator and abuse, are admissible under Evid.R. 803(4), and Wilson failed to establish plain error concerning any remaining challenged portions.
4. The therapist's testimony bolstering K.C.'s credibility was improper, but its admission was harmless because K.C. testified and was subject to cross-examination, allowing the jury to assess her credibility independently.
5. Wilson failed to establish ineffective assistance because he did not show both deficient performance and prejudice. Counsel was not ineffective for failing to challenge evidence admissible under Evid.R. 803(4), the demonstrative timeline, the Mayerson transcript, or testimony about court-related burdens,

particularly where the challenged evidence caused no demonstrated prejudice or counsel used the testimony as a credibility strategy.

6. The cumulative-error claim failed because, although two evidentiary errors occurred, there was no reasonable probability that their combined effect changed the jury's verdict.
7. The State did not violate Brady because the information was disclosed during trial, the detective elicited no incriminating statement, the evidence was not material to guilt or punishment, and Wilson had an opportunity to use it in cross-examination.
8. Wilson's convictions were not against the manifest weight of the evidence because the jury did not clearly lose its way in crediting K.C.'s testimony, and sexual-abuse convictions need not be corroborated by physical evidence.
9. The trial court erred by imposing consecutive sentences without making the findings required by R.C. 2929.14(C)(4). The consecutive nature of the sentences was vacated and the matter remanded for the trial court to determine whether consecutive sentences are appropriate and, if so, make all required findings on the record and in the sentencing entry.

KEY QUOTATIONS

“To establish ineffective assistance of counsel, an accused must demonstrate that counsel’s performance was deficient and that the deficient performance prejudiced the accused.” (¶ 22)

“The doctrine of cumulative error allows a conviction to be reversed if the cumulative effect of errors, deemed separately harmless, deprived the defendant of his right to a fair trial.” (¶ 29)

“When reviewing a weight-of-the-evidence argument, the appellate court reviews the entire record, weighing the evidence and all reasonable inferences; considers the credibility of witnesses; and determines whether in resolving conflicts of evidence, the jury clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered.” (¶ 39)

“Therefore, we sustain the fourth assignment of error, vacate the consecutive nature of the sentences, and remand the matter for the trial court to consider whether consecutive sentences are appropriate under R.C. 2929.14(C)(4) and, if so, to make all of the required findings on the record and incorporate those findings into its sentencing journal entry.” (¶ 47)

FACTUAL BACKGROUND

Wilson was prosecuted for repeated sexual offenses against K.C., whom he had acted as a stepfather since she was two years old, during the period from February 2012 through February 2019. K.C. testified about the abuse, including delayed disclosures, and the State presented testimony from her mother, investigators, a Mayerson Center forensic interviewer and social worker, and K.C.'s therapist, as well as related documentary and electronic evidence. The jury acquitted Wilson of two counts but convicted him of the remaining rape and gross-sexual-imposition charges.

PROCEDURAL HISTORY

Wilson was charged with eight counts of rape and four counts of gross sexual imposition arising from alleged sexual offenses against K.C. between February 2012 and February 2019. After a jury trial, he was acquitted of two counts and convicted of the remaining charges. The trial court imposed an aggregate minimum sentence of 25 years followed by two consecutive life sentences. The appellate court affirmed the convictions and all other aspects of the judgment, but vacated the consecutive nature of the sentences and remanded for resentencing on that issue.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand solely for resentencing on the consecutive nature of the sentences. The trial court must consider whether consecutive sentences are appropriate under Ohio Rev. Code § 2929.14(C)(4), make all required findings on the record if consecutive sentences are imposed, and incorporate those findings into the sentencing journal entry.

CASES CITED

- State v. Hamm, 2017-Ohio-5595, ¶ 28 (1st Dist.)
- State v. Square, 2018-Ohio-4574, ¶ 39 (11th Dist.)
- State v. Santiago, 2003-Ohio-2877, ¶ 11 (10th Dist.)
- State v. Rogers, 2015-Ohio-2459, ¶ 22
- State v. Thomas, 61 Ohio St.2d 223, 232 (1980)
- State v. Osie, 2014-Ohio-2966, ¶ 122
- State v. Moore, 2019-Ohio-1671, ¶ 47 (2d Dist.)
- State v. Jordan, 2014-Ohio-2857, ¶ 7 (9th Dist.)
- State v. Ricks, 2013-Ohio-3712, ¶ 27
- State v. Turner, 2020-Ohio-1548, ¶ 52 (12th Dist.)
- State v. White, 2021-Ohio-1644, ¶ 70 (1st Dist.)
- State v. Burson, 2024-Ohio-1834, ¶ 50 (12th Dist.)
- State v. Snyder, 2025-Ohio-4444, ¶ 166 (1st Dist.)
- State v. Warner, 2024-Ohio-1949, ¶ 32 (1st Dist.)
- State v. Meacham, 2025-Ohio-5645, ¶ 49 (10th Dist.)
- State v. McCauley, 2025-Ohio-3158, ¶¶ 59-60 (5th Dist.)
- State v. Bowman, 2025-Ohio-2729, ¶ 15 (3d Dist.)
- State v. Bruce, 2023-Ohio-3298, ¶ 64 (3d Dist.)
- Strickland v. Washington, 466 U.S. 668, 687, 689, 694, 697 (1984)
- State v. Echols, 2021-Ohio-4193, ¶ 40 (10th Dist.)
- State v. Miller, 2002-Ohio-3296, ¶ 7
- State v. Waddy, 63 Ohio St.3d 424 (1992)

- State v. See, 2020-Ohio-2923, ¶ 17 (1st Dist.)
- State v. Rucker, 2012-Ohio-185, ¶ 43 (1st Dist.)
- State v. Johnson, 2019-Ohio-3877, ¶ 57 (1st Dist.)
- State v. Madrigal, 87 Ohio St.3d 378, 398 (2000)
- State v. Fletcher, 2021-Ohio-1515, ¶ 16 (2d Dist.)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Turner v. United States, 582 U.S. 313, 324 (2017)
- Cone v. Bell, 556 U.S. 449, 469-470 (2009)
- State v. Green, 2024-Ohio-3260, ¶ 18 (1st Dist.)
- United States v. Agurs, 427 U.S. 97, 109 (1976)
- State v. Thomas, 2025-Ohio-1343, ¶ 37
- State v. Thompkins, 78 Ohio St.3d 380, 386 (1997)
- State v. Mosley, 2025-Ohio-4448, ¶ 53 (1st Dist.)
- In re E.S., 2022-Ohio-2003, ¶ 34 (5th Dist.)
- State v. Peterson, 2024-Ohio-2903, ¶ 20 (8th Dist.)
- State v. Harris, 2018-Ohio-578, ¶ 53 (8th Dist.)
- State v. Lykins, 2019-Ohio-3316, ¶ 49 (4th Dist.)
- State v. Maloney, 2018-Ohio-316, ¶ 61 (2d Dist.)
- State v. Barnes, 2014-Ohio-47, ¶ 31 (2d Dist.)
- State v. Thomas, 2015-Ohio-5247, ¶ 31 (9th Dist.)