

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

State v. Dunn

2026-Ohio-241 · No. C-250257 · Decided January 28, 2026

SUMMARY

The Ohio First District Court of Appeals reversed the Hamilton County Municipal Court’s refusal to award restitution to victims whose vehicle was stolen and damaged by Faith Dunn. The court held that the victims had a right to restitution under Ohio Constitution Article I, Section 10a(A)(7), and that the trial court lacked a sufficient basis to conclude that Dunn could not pay. The case was remanded for further proceedings concerning the amount of restitution, third-party reimbursement, and insurance-related reductions.

CASE DETAILS

COURT	Court of Appeals of Ohio, First Appellate District, Hamilton County
WRITING FOR THE COURT	Bock, Presiding Judge; Nestor, Judge; Moore, Judge
JURISDICTION	Ohio Court of Appeals, First Appellate District, Hamilton County
DECIDED	January 28, 2026
DOCKET	C-250257
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The victims appealed the Hamilton County Municipal Court's denial of their request for restitution after Faith Dunn pleaded guilty to unauthorized use of a motor vehicle and was sentenced.
STANDARD OF REVIEW	A nonfelony restitution order is reviewed for abuse of discretion; constitutional-interpretation issues are reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	P.H., W.C. v. State of Ohio, Faith Dunn

TOPICS

- restitution criminal
- appellate procedure
- standard of review
- statutory interpretation
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court violated the victims' rights under Ohio Constitution article I, section 10a(A)(7), and R.C. 2929.28 by denying restitution based on an unsupported conclusion that Dunn could not pay.
2. Whether the appellate court could affirm on the alternative ground that the victims failed to establish the amount of economic loss when the trial court made no factual findings and held no evidentiary hearing.
3. What issues concerning third-party reimbursement and insurance payments must be considered on remand in calculating restitution.

HOLDINGS

1. The trial court abused its discretion by declining to award restitution based on Dunn's inability to pay when Dunn had stated that she could pay and the record contained no evidence supporting the court's conclusion that she could not pay.
2. The appellate court would not resolve factual disputes concerning the amount of restitution because the trial court held no evidentiary hearing and made no findings relevant to the restitution amount.
3. On remand, the trial court must consider evidence concerning third-party reimbursement and payments made or due under insurance or governmental programs when determining the proper restitution amount.

KEY QUOTATIONS

“Among the rights that Marsy’s Law provides a victim is the right “to full and timely restitution from the person who committed the criminal offense or delinquent act against the victim.”” (¶ 12)

“The trial court erred in declining to award restitution based on Dunn’s inability to pay because the trial court lacked any basis to conclude that Dunn could not pay restitution.” (¶ 18)

“appellate jurisdiction does not authorize this court to conduct a trial on issues of fact unless such a trial has been had in the court of first instance.” (¶ 22)

FACTUAL BACKGROUND

Faith Dunn stole and crashed the victims' 2004 Acura MDX and pleaded guilty to unauthorized use of a motor vehicle. The victims requested \$6,175 in restitution, supported by a Kelley Blue Book private-party valuation, but their submission did not specify the vehicle's mileage or the extent of the damage. Dunn stated that she could and would pay restitution, but the trial court disbelieved her, believed the victims had insurance, and awarded no restitution without holding an ability-to-pay or evidentiary hearing.

PROCEDURAL HISTORY

Dunn was charged with obstructing official business and unauthorized use of a motor vehicle. She pleaded guilty to the unauthorized-use charge in exchange for dismissal of the other charge. The victims submitted a victim-impact statement requesting \$6,175 in restitution, but the trial court awarded no restitution based on its belief

that Dunn could not pay and its observation that the victims had insurance. The First District reversed and remanded for further restitution proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must conduct further restitution proceedings, including determining Dunn's ability to pay, establishing the amount of the victims' economic loss, considering any third-party reimbursement, and receiving evidence concerning any insurance policy, insurance payments made or due, policy limits, and related economic loss.

CASES CITED

- State v. Haskett, 2024-Ohio-5933, ¶ 13 (1st Dist.)
- Johnson v. Abdullah, 2021-Ohio-3304, ¶ 34
- State v. Anderson, 2025-Ohio-1226, ¶ 24 (5th Dist.)
- City of Centerville v. Knab, 2020-Ohio-5219, ¶ 13
- State v. Yerkey, 2022-Ohio-4298, ¶ 12
- City of Cleveland v. Rudolph, 2022-Ohio-2363, ¶ 16 (8th Dist.)
- State v. Folson, 2023-Ohio-55, ¶ 10 (1st Dist.)
- State v. Dupuis, 2013-Ohio-2128, ¶ 42 (6th Dist.)
- State v. Queen, 2020-Ohio-618, ¶ 12 n.1 (3d Dist.)
- State v. Hinsch, 2024-Ohio-4984, ¶ 34 (1st Dist.)
- State v. Russell, 2017-Ohio-7923, ¶ 8 (9th Dist.)
- Mulholland v. Paul, 120 Ohio App. 59, 61 (1st Dist. 1963)
- Cincinnati Gas & Elec. Co. v. Chevrolet, 2003-Ohio-1367, ¶ 19 (1st Dist.)
- State v. Reynoso, 2025-Ohio-3119, ¶ 25 (11th Dist.)
- State v. Thomas, 2025-Ohio-4534, ¶ 35 (11th Dist.)
- State v. Thornton, 2017-Ohio-4037, ¶ 20 (1st Dist.)
- State v. Adams, 2019-Ohio-3597, ¶ 14 (1st Dist.)