

OHIO COURT OF APPEALS, THIRD APPELLATE DISTRICT

State v. Gipple

2026-Ohio-1517 · No. 4-25-11, 4-25-12, 4-25-13 · Decided April 27, 2026

SUMMARY

The Ohio Third District Court of Appeals affirmed the denial of Ralph J. Gipple’s motions to revise sentencing entries and apply the aggregate jail-time credit from three cases to each concurrent sentence. The court held that State v. Fugate did not require such application because Gipple was not confined on all three offenses for the full period of claimed credit, and the trial court had properly applied credit to the applicable sentences.

CASE DETAILS

COURT	Ohio Court of Appeals, Third Appellate District
WRITING FOR THE COURT	Mark C. Miller; William R. Zimmerman; Juergen A. Waldick
JURISDICTION	Ohio Court of Appeals, Third Appellate District
DECIDED	April 27, 2026
DOCKET	4-25-11, 4-25-12, 4-25-13
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gipple appealed the Defiance County Common Pleas Court's denial of his post-sentence motions seeking revised sentencing entries to correct his jail-time credit in three criminal cases that resulted in concurrent prison terms.
STANDARD OF REVIEW	Abuse of discretion; the denial of a post-sentence motion to correct jail-time credit is reviewed for an unreasonable, arbitrary, or unconscionable decision.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Ralph J. Gipple v. State of Ohio

TOPICS

- sentencing
- criminal procedure
- appellate procedure
- standard of review
- equal protection

PRACTICE AREAS

- criminal law
- sentencing
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Gipple's motions to issue revised sentencing entries correcting his jail-time credit.
2. Whether *State v. Fugate* required the aggregate jail-time credit from all three cases to be applied to each concurrent prison term when Gipple was not confined on all three offenses for the entire period claimed.

HOLDINGS

1. The denial of a post-sentence motion to correct jail-time credit is reviewed for abuse of discretion.
2. For concurrent sentences, jail-time credit is applied independently to each sentence for the days the offender was confined for the offense corresponding to that sentence; credit from one offense does not automatically apply to a different offense.
3. *State v. Fugate* does not require application of Gipple's aggregate claimed credit to each concurrent sentence because Gipple was not simultaneously confined on all three offenses for the entire period of credit claimed.

KEY QUOTATIONS

“It applies only to the sentence corresponding to the offense for which the prisoner was confined before receiving that sentence.” (§ 8)

“when a defendant is sentenced to concurrent prison terms for multiple charges, jail-time credit pursuant to R.C. 2967.191 must be applied toward each concurrent prison term.” (§ 14)

FACTUAL BACKGROUND

On March 6, 2023, Gipple was sentenced in two drug cases and received a prison term for violating community control in a third case. The three sentences were ordered to run concurrently, and the trial court awarded 67 days of credit in case 21-CR-14504, 75 days in case 22-CR-14870, and 230 days in case 17-CR-12832. Gipple later sought application of what he calculated as 389 total days of credit to each concurrent sentence, but the record showed that he was not confined on all three offenses for all of those days.

PROCEDURAL HISTORY

Gipple pleaded guilty in two cases and admitted community-control violations in a third case. The trial court imposed concurrent prison terms and awarded case-specific jail-time credit. After the Bureau of Sentence Computation calculated his release date using the longest sentence reduced by the credit attributable to that case, Gipple moved for revised sentencing entries seeking application of the aggregate credit to each concurrent sentence. The trial court denied the motions, and the court of appeals consolidated his appeals and affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The causes were remanded to the trial court only for execution of the judgment for appellate costs and issuance of the mandate under App.R. 27; no remand was ordered for recalculation of jail-time credit.

CASES CITED

- State ex rel. Duncan v. Chambers-Smith, 2025-Ohio-978, ¶ 12
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- State v. Thompson, 2017-Ohio-792, ¶ 11 (3d Dist.)
- State ex rel. Moody v. Dir., Ohio Bur. of Sentence Computation, 2024-Ohio-5231, ¶ 9
- State v. Fugate, 2008-Ohio-856, ¶¶ 9-11, 22
- State v. Cherry, 2025-Ohio-1152, ¶ 20 (10th Dist.)

OPINION

PER CURIAM.

[Cite as State v. Gipple, 2026-Ohio-1517.] IN THE COURT OF APPEALS OF OHIO THIRD APPELLATE DISTRICT DEFIANCE COUNTY STATE OF OHIO, CASE NO. 4-25-11 PLAINTIFF-APPELLEE, v. RALPH J. GIPPLE, OPINION AND JUDGMENT ENTRY DEFENDANT-APPELLANT. STATE OF OHIO, CASE NO. 4-25-12 PLAINTIFF-APPELLEE, v. RALPH J. GIPPLE, OPINION AND JUDGMENT ENTRY DEFENDANT-APPELLANT. STATE OF OHIO, CASE NO. 4-25-13 PLAINTIFF-APPELLEE, v. RALPH J. GIPPLE, OPINION AND JUDGMENT ENTRY DEFENDANT-APPELLANT.

Case Nos. 4-25-11, 12, 13 Appeals from Defiance County Common Pleas Court Trial Court Nos. 17-CR-12832, 21-CR-14504 and 22-CR-14870 Judgments Affirmed Date of Decision: April 27, 2026 APPEARANCES: Ralph Gipple, Appellant Russell R. Herman for Appellee MILLER, J. {¶1} These appeals, having been placed on the accelerated calendar, are sua sponte being assigned and considered on the regular calendar pursuant to Loc.R.

11.1. Under the authority of Loc.R. 11.1(E), we have elected to issue full opinions in lieu of judgment entries. {¶2} Defendant-appellant, Ralph J. Gipple (“Gipple”), appeals the July 21, 2025 judgments of the Defiance County Common Pleas Court denying his motions to issue revised sentencing judgment entries to correct the amount of jail-time credit to which he was entitled. -2- Case Nos. 4-25-11, 12, 13 {¶3} On March 6, 2023, Gipple appeared for hearings in three pending cases.

In case number 21 CR 14504, Gipple pled guilty to one count of aggravated trafficking in drugs in violation of R.C. 2925.03(A)(2), (C)(1)(c), a third-degree felony, was sentenced to a term of 30 months of imprisonment and given credit for 67 days of incarceration previously served in connection with the case.

In case number 22 CR 14870, Gipple pled guilty to one count of aggravated possession of drugs in violation of R.C. 2925.11(A), (C)(1)(c), a second-degree felony, was sentenced to an indefinite term of four to six years of imprisonment and given credit for 75 days of incarceration previously served in connection with the case.

In case number 17 CR 12832, Gipple tendered an admission to the violations of his community control supervision alleged by the State. Consequently, the trial court found that Gipple had violated the terms of his supervision, imposed 17 months of imprisonment previously reserved and gave him credit for 230 days of incarceration served at various times in relation to the case.

The trial court ordered the three sentences to be served concurrently. {¶4} Gipple claims the Bureau of Sentence Computation determined his release date based on the controlling sentence out of case number 22 CR 14870, which had the longest prison term. Gipple was to serve four to six years of imprisonment reduced by 84 days of jail-time credit. Jail-time credit was calculated by adding 9 days of credit for the time he spent awaiting transfer from the local facility and 75 days of credit for incarceration served prior to sentencing. -3- Case Nos. 4-25-11, 12, 13 {¶5} On May 27, 2025, Gipple filed motions requesting the trial court issue revised sentencing judgment entries applying the total of all jail-time credit from his three cases plus transfer time, an amount of time he calculates to be 389 days, to each concurrent prison term.¹ The trial court denied the motions.

On August 22, 2025, Gipple filed notices of appeal. The cases were consolidated for appellate review. He raises one assignment of error for our consideration. Assignment of Error The trial [court] abused its discretion when it denied the Defendant's motion to issue a new revised sentencing Judgment Entry for jail time credit pursuant to State v. Fugate thereby depriving the Defendant's rights to Due Process Equal Protection of the of [sic] Equal Protection of the Fourteenth Amendment to United States Constitution the United States Constitution [sic] and Article 1, Section 10, of the Ohio Constitution. {¶6} In his assignment of error, Gipple contends that the trial court abused its discretion when it denied his motions to issue revised sentencing judgment entries to correct his jail-time credit. {¶7} "Under R.C.

2929.19(B)(2)(g)(iii), the sentencing court retains jurisdiction to correct any error in a determination of jail-time credit. And '[t]he offender may, at any time after sentencing, file a motion in the sentencing court to correct any error made in making a determination [of jail-time credit], and the court may in its discretion grant or 1 Though Gipple alleges he is entitled to 389 days of jail-time credit, it is unclear how he arrived at that particular number. -4- Case Nos. 4-25-11, 12, 13 deny that motion.'" (Bracketed text in original.)

State ex rel. Duncan v. Chambers-Smith, 2025-Ohio-978, ¶ 12, quoting R.C. 2929.19(B)(2)(g)(iii). Thus, this Court reviews the denial of a post-sentence motion to correct jail-time credit under the abuse of discretion standard. An abuse of discretion suggests the trial court's decision is

unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

When the abuse of discretion standard applies, an appellate court is not to substitute its judgment for that of the trial court. *State v. Thompson*, 2017-Ohio-792, ¶ 11 (3d Dist.). {¶8} R.C. 2967.191 sets forth the requirement that the department of rehabilitation and correction, “reduce the prison term of a prisoner...by the total number of days that the prisoner was confined for any reason arising out of the offense for which the prisoner was convicted and sentenced[.]” R.C.

2967.191(A). The language of R.C. 2967.191(A) suggests that jail-time credit is “offense specific.” *State ex rel. Moody v. Dir., Ohio Bur. of Sentence Computation*, 2024-Ohio-5231, ¶ 9. “It applies only to the sentence corresponding to the offense for which the prisoner was confined before receiving that sentence.

Accordingly, the jail-time credit a prisoner earns from his confinement for a criminal offense for which he was sentenced in one case does not apply against the prisoner's sentence imposed for a different criminal offense in a different case.” *Id.* {¶9} Ohio Administrative Code 5120-2-04 provides additional details regarding when a prisoner is entitled to jail-time credit and how to calculate a prison term.

The directives in Ohio Administrative Code 5120-2-04 clearly delineate how jail-time credit is -5- Case Nos. 4-25-11, 12, 13 to be calculated for consecutive sentences as opposed to concurrent sentences. *State v. Fugate*, 2008-Ohio-856, ¶ 9-11. {¶10} Where jail-time credit is applied to concurrent sentences, the Ohio Administrative Code states, “If an offender is serving two or more sentences, stated prison terms or combination thereof concurrently, the department [of rehabilitation and correction] is to independently reduce each sentence or stated prison term for the number of days confined for that offense.

Release of the offender is based upon the longest definite, minimum and/or maximum sentence or stated prison term after reduction for jail time credit.” (Emphasis added.) Adm.Code 5120-2-04(E). {¶11} By contrast, when sentences are imposed consecutively, the Ohio Administrative Code states, “The department of rehabilitation and correction is to reduce the aggregate definite sentence, aggregate stated prison term or aggregate minimum and aggregate maximum sentences or combination thereof...by the total number of days the offender was confined for all of the offenses for which the consecutive sentences, stated prison term or combination thereof were imposed.” Adm.Code 5120-2-04(F). {¶12} Despite the difference in application of jail-time credit between concurrent and consecutive sentences, the objective in both instances is to “comply with the requirements of equal protection by reducing the total time that offenders spend in prison after sentencing by an amount equal to the time that they were previously held.” *Fugate*, 2008-Ohio-856, at ¶ 11. -6- Case Nos. 4-25-11, 12, 13 {¶13} Gipple contends that his four to six year prison

term should be reduced by the total number of days he spent in confinement for each of his three cases pursuant to the Supreme Court of Ohio's decision in *State v. Fugate*.

However, because *Fugate* is factually distinguishable, Gipple's reliance on it is misplaced. {¶14} In *Fugate*, the Supreme Court of Ohio addressed the requirement set forth in R.C. 2967.191. *Fugate* was indicted for burglary and theft while he was on community control. Subsequently, the probation department filed a motion to revoke his community control. *Fugate* at ¶ 3.

Fugate was found guilty of burglary and theft and admitted that these convictions violated the terms of his community control. He was subsequently sentenced to concurrent prison terms for the burglary and theft convictions and the violation of his community-control. *Id.* at ¶ 13. Though *Fugate* had been held in custody pending the resolution of the community control violation as well as the burglary and theft offenses, the trial court only applied his 213 days of jail-time credit to the community control violation, which carried a shorter sentence.

Id. at ¶ 17-18. Since release of an offender is based on the longest prison term, *Fugate* did not receive the benefit of his jail-time credit. The Supreme Court of Ohio held, "when a defendant is sentenced to concurrent prison terms for multiple charges, jail-time credit pursuant to R.C. 2967.191 must be applied toward each concurrent prison term." *Id.* at ¶ 22. {¶15} While a plain reading of the holding in *Fugate* may seem to support Gipple's argument, a close reading of the facts reveals that his reliance on *Fugate* is unfounded. -7- Case Nos. 4-25-11, 12, 13 Unlike the instant case, *Fugate* was simultaneously held in custody for 213 days on both his community control violation case and his new charges.

Id. at ¶ 13-18. {¶16} The Tenth District Court of Appeals explains, "The principle established in *Fugate* applies when the period of pre-trial confinement is attributable to more than one offense." *State v. Cherry*, 2025-Ohio-1152, ¶ 20 (10th Dist.).

In *Fugate*, the trial court chose to reduce one of the three concurrent prison terms by the jail-time credit *Fugate* incurred while in custody for all three offenses. This effectively negated the credit for time *Fugate* had been held. That is not the case here. {¶17} Unlike *Fugate*, Gipple was held in custody on several occasions pending the resolution of his three cases.

Gipple was confined for all three offenses during some, but not all, of the days he spent in custody pending the resolution of his cases. In fact, much of his jail time credit in his first case accrued before he was ever indicted in the second and third cases. Where Gipple was held in custody for more than one offense, the record indicates that the trial court appropriately applied jail-time credit toward each applicable prison term.

Gipple was not held in custody on all three offenses for the 389 days of jail-time credit he claims should be applied toward each of his sentences. {¶18} Our review of the record does not find that the trial court acted in such a way that was unreasonable, arbitrary, or unconscionable when it

denied Gipple's motions to issue revised sentencing judgment entries to correct his jail-time credit. ¶19 Gipple's assignment of error is overruled. -8- Case Nos. 4-25-11, 12, 13 ¶20 Accordingly, for the aforementioned reasons, it is the order of this Court that the judgment entries of the Defiance County Court of Common Pleas be, and hereby are, affirmed.

Judgments Affirmed ZIMMERMAN, P.J. and WALDICK, J., concur. -9- Case Nos. 4-25-11, 12, 13 JUDGMENT ENTRY For the reasons stated in the opinion of this Court, the assignment of error is overruled and it is the judgment and order of this Court that the judgments of the trial court are affirmed with costs assessed to Appellant for which judgment is hereby rendered.

The causes are hereby remanded to the trial court for execution of the judgment for costs. It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket.

See App.R. 30. Mark C. Miller, Judge William R. Zimmerman, Judge Juergen A. Waldick, Judge
DATED: /jlm -10-