

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

State v. Nagorka

2026-Ohio-702 · No. 2025CA0001-M · Decided March 2, 2026

SUMMARY

The Ohio Ninth District Court of Appeals affirmed Adam Nagorka’s convictions for assault and felonious assault on a peace officer. The court overruled assignments of error challenging the weight and sufficiency of the evidence, the denial of a Crim.R. 29 motion, impeachment with a juvenile witness’s conduct, ineffective assistance of counsel, alleged authentication issues involving internet posts, cumulative error, and an alleged Brady violation. The provided text ends during the court’s discussion of the Brady claim.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Jill Flagg Lanzinger, Presiding Judge; Sutton, Judge; Stevenson, Judge
JURISDICTION	Ohio Ninth District Court of Appeals
DECIDED	March 2, 2026
DOCKET	2025CA0001-M
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a Medina County Court of Common Pleas judgment entered after a jury convicted Nagorka of assault on a peace officer and felonious assault on a peace officer.
STANDARD OF REVIEW	Manifest-weight claims are reviewed by considering the entire record, weighing the evidence and reasonable inferences, assessing witness credibility, and determining whether the factfinder clearly lost its way and created a manifest miscarriage of justice. Felony sentences are reviewed under R.C. 2953.08(G)(2), and may be modified or vacated only upon clear and convincing evidence that the record does not support the relevant statutory findings or that the sentence is otherwise contrary to law. Ineffective-assistance claims are reviewed under the deficient-performance and prejudice requirements of Strickland. Unpreserved evidentiary claims are subject to plain-error requirements when properly raised.
PRECEDENTIAL VALUE	published

TOPICS

criminal procedure

appellate procedure

evidence

ineffective assistance

sentencing

PRACTICE AREAS

criminal law

criminal appellate procedure

evidence

ineffective assistance of counsel

sentencing

QUESTIONS PRESENTED

1. Whether Nagorka's convictions were against the manifest weight of the evidence.
2. Whether the trial court erred by denying Nagorka's Crim.R. 29 motion for acquittal.
3. Whether the State improperly used a juvenile witness's alleged juvenile records or adjudication for impeachment.
4. Whether Nagorka received ineffective assistance of trial counsel.
5. Whether the State and trial court improperly used or admitted unauthenticated Facebook or internet posts.
6. Whether cumulative trial errors deprived Nagorka of a fair trial.
7. Whether the State violated Brady by failing to disclose information concerning Officer F.'s prior excessive-force lawsuit.
8. Whether Nagorka's six-to-nine-year felony sentence was excessive or contrary to law.

HOLDINGS

1. The convictions were not against the manifest weight of the evidence. The appellant's arguments principally asked the court to reject the jury's credibility determination, and the record did not present the exceptional case in which the evidence weighed heavily against conviction.
2. The court declined to address the sufficiency challenge because Nagorka failed to develop an argument identifying any offense element the State failed to prove, as required by App.R. 16(A)(7).
3. The denial of Nagorka's Crim.R. 29 motion was affirmed because he failed to develop an appellate argument supporting reversal.
4. The juvenile-impeachment assignment of error failed because the State did not introduce the grandson's juvenile records or adjudication; it merely asked whether he had stolen something from Drug Mart, and the issue was not preserved or developed as plain error.
5. Nagorka failed to establish ineffective assistance because he did not demonstrate deficient performance and resulting prejudice under Strickland.
6. The authentication assignment of error was overruled because the State did not introduce the Facebook posts into evidence, and Nagorka failed to direct the court to record support for his claim.

7. Nagorka failed to establish cumulative error because he did not show that multiple errors occurred or that he suffered prejudice.
8. Nagorka failed to establish a Brady violation concerning Officer F.'s prior excessive-force lawsuit because the record did not establish favorable and material evidence that was suppressed by the State or caused prejudice.
9. The six-to-nine-year sentence was affirmed because it was within the statutory range, the record showed consideration of the applicable sentencing statutes, and Nagorka did not establish by clear and convincing evidence that the sentence was unsupported or contrary to law.

KEY QUOTATIONS

“This Court is required to consider the entire record, “weigh the evidence and all reasonable inferences, consider the credibility of witnesses and determine whether, in resolving conflicts in the evidence, the trier of fact clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered.”” (¶ 14)

“To prevail on a claim of ineffective assistance of counsel, Nagorka must establish: (1) that his counsel’s performance was deficient to the extent that “counsel was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment[;]” and (2) that “the deficient performance prejudiced the defense.”” (¶ 26)

“To establish a Brady violation, a defendant must demonstrate (1) that the evidence is favorable to the defendant, because it is either exculpatory or impeaching, (2) that the evidence was willfully or inadvertently suppressed by the state, and (3) that the defendant was prejudiced as a result.” (¶ 45)

“An appellate court may vacate or modify a felony sentence on appeal only if it determines by clear and convincing evidence” (¶ 50)

FACTUAL BACKGROUND

Police and EMS responded to an apartment after receiving a report that Nagorka's daughter might be harming herself. In a narrow hallway, Nagorka moved toward his daughter's bedroom despite Officer F.'s instruction to return, made chest-to-chest contact with the officer, and, according to Officer F., punched him in the head; Officer F. later received treatment for an abrasion and concussion. Other officers heard the altercation, and the State presented body-camera footage and medical testimony, while Nagorka and family witnesses disputed that he punched the officer.

PROCEDURAL HISTORY

A grand jury indicted Nagorka on assault and felonious-assault charges. After a jury trial, the jury found him guilty, and the trial court imposed concurrent prison terms of twelve months for assault and six to nine years for felonious assault. Nagorka appealed, raising nine assignments of error concerning the weight and sufficiency of the evidence, denial of a Crim.R. 29 motion, impeachment, ineffective assistance, authentication, cumulative error, Brady disclosure, and sentencing.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The court ordered a special mandate directing the Medina County Court of Common Pleas to execute the judgment.

CASES CITED

- State v. Irvine, 2019-Ohio-959, ¶ 19 (9th Dist.)
- State v. Thompkins, 78 Ohio St.3d 380, 386 (1997)
- State v. Omenai, 2024-Ohio-1571, ¶ 13 (9th Dist.)
- State v. Ross, 2023-Ohio-1185, ¶ 10 (9th Dist.)
- State v. Otten, 33 Ohio App.3d 339, 340 (9th Dist. 1986)
- State v. Croghan, 2019-Ohio-3970, ¶ 26
- State v. Harris, 2024-Ohio-196, ¶ 19 (9th Dist.)
- State v. Mastice, 2007-Ohio-4107, ¶ 7 (9th Dist.)
- State v. Taylor, 1999 WL 61619, *3 (9th Dist. Feb. 9, 1999)
- State v. Marshall, 2025-Ohio-2283, ¶ 56 (9th Dist.)
- In re E.G., 2017-Ohio-2584, ¶ 27 (9th Dist.)
- State v. Price, 2017-Ohio-4167, ¶ 12 (9th Dist.)
- State v. Robinson, 98 Ohio App.3d 560, 568 (8th Dist. 1994)
- State v. Rogers, 2015-Ohio-2459, ¶¶ 21-22
- State v. Gondor, 2006-Ohio-6679, ¶ 62
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- State v. Bradley, 42 Ohio St.3d 136 (1989), paragraph two of the syllabus
- State v. Sowell, 2016-Ohio-8025, ¶ 138
- State v. Carter, 2017-Ohio-8847, ¶ 27 (9th Dist.)
- State v. Rosa-DeJesus, 2024-Ohio-2472, ¶ 23 (9th Dist.)
- State v. Smith, 2013-Ohio-3868, ¶ 23 (9th Dist.)
- State v. Moffett, 2016-Ohio-5314, ¶ 10 (9th Dist.)
- State v. Jones, 2003-Ohio-4518, ¶ 13 (9th Dist.)
- State v. Zeber, 2017-Ohio-8987, ¶ 8 (9th Dist.)
- State v. Higgins, 2012-Ohio-5650, ¶ 9 (9th Dist.)
- State v. Gilbert, 2025-Ohio-4623, ¶ 93 (9th Dist.)
- State v. DeMarco, 31 Ohio St.3d 191 (1987), paragraph two of the syllabus
- State v. Hunter, 2011-Ohio-6524, ¶ 132
- State v. Straughan, 2021-Ohio-1054, ¶ 68 (9th Dist.)

- State v. Bethel, 2022-Ohio-783, ¶ 25
- Brady v. Maryland, 373 U.S. 83, 87 (1963)
- State v. Brown, 2024-Ohio-749, ¶ 30
- Strickler v. Greene, 527 U.S. 263, 281-282 (1999)
- Turner v. United States, 582 U.S. 313, 324 (2017)
- Covender v. State, 2023-Ohio-172, ¶ 17 (9th Dist.)
- State v. Jones, 2013-Ohio-815, ¶¶ 27-39 (8th Dist.)
- State v. Marcum, 2016-Ohio-1002, ¶ 1
- Cross v. Ledford, 161 Ohio St. 469 (1954), paragraph three of the syllabus
- State v. Foster, 2006-Ohio-856, paragraph seven of the syllabus
- State v. Mathis, 2006-Ohio-855, ¶ 38
- State v. Fernandez, 2014-Ohio-3651, ¶ 8 (9th Dist.)
- State v. Boysel, 2014-Ohio-1272, ¶ 13 (2d Dist.)
- State v. Sampson, 2023-Ohio-2342, ¶ 39 (9th Dist.)