

COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY

State v. Welk

2026-Ohio-231 · No. 2025-L-089 · Decided January 27, 2026

SUMMARY

The Ohio Eleventh District Court of Appeals affirmed Dennis V. Welk Jr.'s conviction and consecutive 60-month prison sentences for two counts of sexual battery. The court held that the trial court properly made the required consecutive-sentencing findings, considered the relevant statutory sentencing factors, and acted within its discretion in imposing maximum sentences.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eleventh Appellate District, Lake County
WRITING FOR THE COURT	Scott Lynch, J.; Matt Lynch, P.J.; John J. Eklund, J.
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Lake County
DECIDED	January 27, 2026
DOCKET	2025-L-089
DISPOSITION	affirmed
PROCEDURAL POSTURE	Welk pleaded guilty to two counts of third-degree-felony sexual battery and appealed the Lake County Court of Common Pleas judgment imposing consecutive 60-month prison terms.
STANDARD OF REVIEW	Under R.C. 2953.08(G)(2), an appellate court reviews the record and may modify or vacate a felony sentence only if it clearly and convincingly finds that the record does not support the trial court's required findings or that the sentence is otherwise contrary to law. The appellate court may not independently weigh the evidence or substitute its judgment for the trial court's weighing of R.C. 2929.12 factors.
PRECEDENTIAL VALUE	published
PARTIES	Dennis V. Welk, Jr. v. State of Ohio

TOPICS

- sentencing
- sentencing guidelines
- appellate procedure
- standard of review
- criminal procedure

PRACTICE AREAS

criminal law

felony sentencing

criminal appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court made the findings required by R.C. 2929.14(C)(4) to impose consecutive sentences.
2. Whether the trial court failed to consider the relevant seriousness and recidivism factors under R.C. 2929.12 by not giving sufficient mitigating weight to Welk's remorse.
3. Whether the trial court's imposition of maximum sentences was contrary to law or unsupported by the record.

HOLDINGS

1. The trial court properly imposed consecutive sentences because it stated each finding required by R.C. 2929.14(C)(4) on the record and incorporated those findings into the sentencing entry.
2. The trial court fulfilled its obligation under R.C. 2929.12 by stating that it considered the statutory factors; it was not required to assign particular weight to Welk's remorse or expressly discuss every individual factor.
3. An appellate court may not independently weigh the evidence or substitute its judgment for the trial court's judgment concerning the sentence that best complies with R.C. 2929.12.
4. The trial court had full discretion to impose maximum sentences within the statutory range after considering the appropriate sentencing factors, and Welk's 60-month sentences were within the range authorized for third-degree felonies.

KEY QUOTATIONS

“Nothing in R.C. 2953.08(G)(2) permits an appellate court to independently weigh the evidence in the record and substitute its judgment for that of the trial court concerning the sentence that best reflects compliance with” (§13)

“provided that the trial court considers the appropriate factors, it has “full discretion to impose a sentence within the statutory range.”” (§14)

FACTUAL BACKGROUND

Welk pleaded guilty to two counts of third-degree-felony sexual battery arising from the sexual assault of his 13-year-old stepdaughter. At sentencing, he attributed the conduct in part to intoxication and expressed remorse, while the State emphasized that other children were present and that Welk contacted the victim from jail to pressure her to seek a shorter sentence. The trial court also considered Welk's extensive criminal record, including prior burglary, prison, and theft offenses, and imposed consecutive 60-month prison terms.

PROCEDURAL HISTORY

A Lake County grand jury indicted Welk on multiple sexual-offense charges. He later pleaded guilty to two counts of sexual battery. The trial court imposed consecutive 60-month sentences, and Welk appealed, arguing that the record did not support maximum consecutive sentences. The Eleventh District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Marcum, 2016-Ohio-1002, ¶ 1
- State v. Elliott, 2023-Ohio-412, ¶ 9 (11th Dist.)
- State v. Miller, 2025-Ohio-339, ¶ 21 (11th Dist.)
- State v. DelManzo, 2008-Ohio-5856, ¶ 23 (11th Dist.)
- State v. Dawson, 2016-Ohio-2800, ¶ 15 (11th Dist.)
- State v. Davy, 2024-Ohio-5550, ¶ 21 (11th Dist.)
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 42
- State v. Freshwater, 2023-Ohio-1248, ¶ 10 (11th Dist.)
- State v. Foti, 2020-Ohio-439, ¶ 73 (11th Dist.)