

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

State v. Morgan

2025-Ohio-5326 · No. 30385 · Decided November 26, 2025

SUMMARY

The Ohio Second District Court of Appeals reviewed Tyrone Morgan’s convictions for domestic violence and disorderly conduct. The court held that the evidence was insufficient to establish that the alleged victim was a family or household member under Ohio’s domestic-violence statute because the victim and Morgan’s sister were not legally married. The court vacated the domestic-violence conviction, affirmed the disorderly-conduct conviction, and remanded for sentencing on that charge.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Ronald C. Lewis; Tucker, J.; Huffman, J.
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	November 26, 2025
DOCKET	30385
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Morgan appealed his bench-trial conviction for domestic violence and disorderly conduct from the Dayton Municipal Court, challenging the sufficiency of the evidence supporting the domestic-violence conviction.
STANDARD OF REVIEW	For sufficiency of the evidence, the court viewed the evidence in the light most favorable to the prosecution and considered whether any rational trier of fact could have found the essential elements of the offense proven beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Tyrone Morgan v. State of Ohio

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QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to establish that G.S. was a family or household member of Morgan under R.C. 2919.25(F)(1)(a)(ii), an element of domestic violence under R.C. 2919.25(C).
2. Whether the domestic-violence conviction had to be vacated when the evidence did not establish the required family-or-household-member relationship.
3. Whether the judgment finding Morgan guilty of unchallenged disorderly conduct should remain affirmed and the case remanded for sentencing on that offense.

HOLDINGS

1. G.S. did not qualify as Morgan's family or household member because affinity is a relationship created through marriage, and G.S. and S.M. had never been legally married. Consequently, the evidence was legally insufficient to establish an essential element of domestic violence under R.C. 2919.25(C).
2. The court sustained Morgan's assignment of error and vacated his domestic-violence conviction.
3. The judgment was affirmed insofar as it found Morgan guilty of disorderly conduct, and the case was remanded for sentencing on that charge.

KEY QUOTATIONS

“The test for sufficiency of the evidence is ‘whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.’” (¶ 17)

“Based on these definitions and common uses, affinity is a relationship created through marriage.” (¶ 21)

“Having reviewed the evidence in the light most favorable to the State, we conclude that the evidence was insufficient to prove that G.S. was a family or household member.” (¶ 25)

FACTUAL BACKGROUND

Morgan lived with his sister, S.M., and her longtime cohabiting partner, G.S., in their apartment. During an argument about Morgan bringing a gas can and other items into the apartment, Morgan threatened G.S., stating that he was going to kill him. G.S. testified that he believed Morgan would hurt him, in part because he had previously seen Morgan with a .22 pistol. S.M. and G.S. had lived together for decades and considered themselves common-law married, but they had never legally married.

PROCEDURAL HISTORY

Morgan was charged with aggravated menacing, disorderly conduct, and domestic violence. After a bench trial, the municipal court found him guilty of domestic violence and disorderly conduct, acquitted him of aggravated menacing, merged the convictions for sentencing, and sentenced him on domestic violence to 30 days in jail, with 17 days of credit and the balance suspended, plus three months of non-reporting community control. The trial court denied Morgan's motion to reconsider, and he timely appealed. The court of appeals affirmed the disorderly-conduct judgment, vacated the domestic-violence conviction, and remanded for sentencing on disorderly conduct.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for the trial court to sentence Morgan on the disorderly-conduct charge after vacating the domestic-violence conviction.

CASES CITED

- State v. Lang, 2011-Ohio-4215, ¶ 219
- State v. Thompkins, 78 Ohio St.3d 380, 386 (1997)
- State v. Worley, 2021-Ohio-2207, ¶ 57
- State v. Jenks, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus
- Lingle v. State, 2020-Ohio-6788, ¶ 15
- Brecksville v. Cook, 75 Ohio St.3d 53, 56 (1996)
- State v. Bertram, 2023-Ohio-1456, ¶ 13
- Rancho Cincinnati Rivers, L.L.C. v. Warren Cty. Bd. of Revision, 2021-Ohio-2798, ¶ 21
- Chinn v. State, 47 Ohio St. 575 (1890)
- State v. Powell, 2024-Ohio-4923, ¶ 15 (2d Dist.)
- In re K.P.R., 2011-Ohio-6114, ¶ 24 (12th Dist.)
- In re LaPiana, 2010-Ohio-3606 (8th Dist.)
- State v. Carswell, 2007-Ohio-3723, ¶ 32
- Gabbard v. Madison Local School Dist. Bd. of Edn., 2021-Ohio-2067, ¶ 13
- Zumwalde v. Madeira & Indian Hill Joint Fire Dist., 2011-Ohio-1603, ¶¶ 23-24, 26

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