

COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT

State v. Fulmer

2026-Ohio-2143 · No. 8-24-53 · Decided June 8, 2026

SUMMARY

The Ohio Third District Court of Appeals affirmed Steven A. Fulmer Jr.'s convictions for seven counts of rape and one count of gross sexual imposition, resulting in an aggregate sentence of 75 years to life. The court rejected challenges to the sufficiency and manifest weight of the evidence and to the admission of child advocacy center interviews; the provided text continues into additional assignments of error.

CASE DETAILS

COURT	Court of Appeals of Ohio, Third Appellate District
WRITING FOR THE COURT	Mark C. Miller; William R. Zimmerman; Juergen A. Waldick
JURISDICTION	Ohio Court of Appeals, Third Appellate District, Logan County
DECIDED	June 8, 2026
DOCKET	8-24-53
DISPOSITION	affirmed
PROCEDURAL POSTURE	Fulmer appealed his convictions and sentence following a jury trial in the Logan County Court of Common Pleas. He raised seven assignments of error concerning sufficiency and manifest weight of the evidence, admission of Child Advocacy Center interviews, denial of a mistrial, denial of a continuance of sentencing, application of Ohio's rape-shield law, sentencing, and ineffective assistance of counsel.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed to determine whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements proven beyond a reasonable doubt. Manifest-weight review requires examination of the entire record, weighing the evidence and credibility, and reversal only when the factfinder clearly lost its way and created a manifest miscarriage of justice. Hearsay rulings are ordinarily reviewed for abuse of discretion. Failure to move for a mistrial is reviewed for plain error. Sentencing is reviewed for compliance with applicable statutory requirements. Ineffective-

	assistance claims are governed by deficient performance and prejudice under Strickland.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Steven A. Fulmer, Jr. v. State of Ohio

TOPICS

criminal procedure evidence hearsay appellate procedure ineffective assistance

PRACTICE AREAS

Criminal law Criminal procedure Evidence Appellate procedure Sentencing

QUESTIONS PRESENTED

1. Whether the convictions were supported by sufficient evidence and were not against the manifest weight of the evidence.
2. Whether the trial court improperly admitted the victims' Child Advocacy Center interviews under Evid.R. 803(4), including whether the interviews contained impermissible investigative hearsay.
3. Whether the trial court plainly erred by failing to declare a mistrial after a courtroom outburst and the prosecutor's subsequent questioning.
4. Whether the trial court erred by denying a continuance of sentencing based on an alleged post-trial recantation.
5. Whether the trial court improperly applied Ohio's rape-shield law to exclude evidence of a victim's subsequent sexual activity.
6. Whether the sentence violated the federal Ex Post Facto Clause or the Ohio Constitution's Retroactivity Clause.
7. Whether Fulmer was denied effective assistance of counsel.

HOLDINGS

1. The rape and gross-sexual-imposition convictions were supported by sufficient evidence; a victim's testimony is sufficient to establish that sexual conduct occurred, and corroborating physical evidence is not required in a rape case.
2. The convictions were not against the manifest weight of the evidence because the jury was entitled to credit the victims' testimony over conflicting defense testimony and evidence concerning credibility, memory, and Fulmer's alleged impotency.
3. The trial court did not abuse its discretion by admitting the unredacted CAC interviews under Evid.R. 803(4), because the interviews were conducted for medical diagnosis and treatment rather than primarily for investigative purposes.

4. The trial court did not plainly err by failing to declare a mistrial after a defense witness's father yelled 'you're a liar' from the gallery, because the court promptly sustained the objection and gave curative instructions.
5. The trial court did not err by denying a continuance of sentencing because Fulmer remained able to file a timely motion for a new trial based on newly discovered evidence, and proceeding with sentencing did not prejudice that opportunity.
6. The trial court properly excluded evidence of the victim's sexual activity with someone other than Fulmer because the evidence was offered solely for impeachment and did not fall within an exception to Ohio's rape-shield statute.
7. The sentence did not violate the federal Ex Post Facto Clause or the Ohio Constitution's Retroactivity Clause because the mandatory sentencing provisions applicable to rape under R.C. 2907.02(A)(1)(b) and R.C. 2971.03(B)(1)(c) did not substantively change during the relevant offense period.
8. Fulmer was not denied effective assistance of counsel because he failed to establish deficient performance and resulting prejudice concerning the CAC interviews, mistrial, sentencing, alleged recantation, or juror impartiality.

KEY QUOTATIONS

"The relevant inquiry 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." (¶ 9)

"Only in exceptional cases, where the evidence 'weighs heavily against the conviction,' should an appellate court overturn the trial court's judgment." (¶ 10)

"the purpose of these CAC interviews were strictly for medical diagnosis and treatment" (¶ 33)

"A jury is presumed to follow the instructions, including curative instructions, given it by a trial judge." (¶ 38)

"Because Fulmer's stated purpose fell outside the specific statutory exceptions of R.C. 2907.02(D) and the evidence was offered for the sole purpose of impeachment, the trial court did not err in excluding the testimony." (¶ 47)

"Having found no error prejudicial to the defendant-appellant in the particulars assigned and argued, the judgment of the Logan County Court of Common Pleas is affirmed." (¶ 62)

FACTUAL BACKGROUND

Fulmer was accused of sexually abusing three of his children over periods spanning 2007 through 2023. The State presented testimony from the alleged victims, forensic interviewers, a CAC pediatrician, a detective, and other witnesses; Fulmer and defense witnesses disputed the allegations and Fulmer asserted that he was impotent. The jury convicted Fulmer on seven rape counts and one gross-sexual-imposition count, and the trial court imposed an aggregate prison term of 75 years to life.

PROCEDURAL HISTORY

A Logan County grand jury indicted Fulmer on seven counts of rape and one count of gross sexual imposition. A jury found him guilty on all eight counts, and the trial court imposed an aggregate sentence of 75 years to life. The trial court denied Fulmer's motion to continue sentencing based on an alleged victim recantation, and the appellate court affirmed the judgment, remanding only for execution of the judgment for appellate costs.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The cause was remanded to the trial court solely for execution of the judgment for appellate costs and issuance of the mandate under Ohio App.R. 27 and service under App.R. 30.

CASES CITED

- State v. Thompkins, 78 Ohio St.3d 380 (1997)
- State v. Jenks, 61 Ohio St.3d 259 (1991)
- State v. Smith, 80 Ohio St.3d 89 (1997)
- State v. Jones, 2013-Ohio-4775 (1st Dist.)
- State v. Berry, 2013-Ohio-2380 (3d Dist.)
- State v. Williams, 2024-Ohio-2307 (3d Dist.)
- State v. Sewell, 2016-Ohio-7175 (3d Dist.)
- State v. DeHass, 10 Ohio St.2d 230 (1967)
- State v. Haller, 2012-Ohio-5233 (3d Dist.)
- State v. Hunter, 2011-Ohio-6524
- State v. Saltz, 2015-Ohio-3097 (3d Dist.)
- State v. Johnson, 2006-Ohio-6404
- State v. Banks, 71 Ohio App.3d 214 (3d Dist. 1991)
- In re B.D.H., 2020-Ohio-4879 (12th Dist.)
- In re T.L., 2016-Ohio-252 (3d Dist.)
- In re N.Z., 2011-Ohio-6845 (11th Dist.)
- State v. Awan, 22 Ohio St.3d 120 (1986)
- State v. Bean, 2014-Ohio-908 (9th Dist.)
- State v. Missler, 2015-Ohio-1076 (3d Dist.)
- State v. Chandler, 2006-Ohio-2070 (10th Dist.)
- State v. Barrie, 2016-Ohio-5640 (10th Dist.)
- State v. Bender, 2020-Ohio-722 (3d Dist.)
- State v. Warman, 2017-Ohio-244 (12th Dist.)

- State v. Arnold, 2010-Ohio-2742
- State v. Wallace, 2011-Ohio-1728 (3d Dist.)
- State v. Franklin, 62 Ohio St.3d 118 (1991)
- State v. Risner, 2019-Ohio-4120 (3d Dist.)
- State v. Steele, 2013-Ohio-2470
- State v. Garner, 74 Ohio St.3d 49 (1995)
- State v. Rawlins, 2024-Ohio-1733 (3d Dist.)
- State v. Yenser, 2008-Ohio-1145 (3d Dist.)
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Rogers, 2025-Ohio-4794
- United States v. Torres, 128 F.3d 39 (2d Cir. 1997)
- United States v. Wood, 299 U.S. 123 (1936)
- State v. Schlosser, 2011-Ohio-4183 (3d Dist.)
- In re Smith, 2002-Ohio-695 (3d Dist.)

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