

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

State v. Harvey

2025-Ohio-5475 · No. 2025-T-0008 · Decided December 8, 2025

SUMMARY

The Eleventh District Court of Appeals of Ohio affirmed the denial of Dominic Michael Harvey’s petition for postconviction relief without a hearing. The court held that Harvey’s ineffective-assistance claim was barred by res judicata because he provided no competent evidence outside the trial record that was unavailable at the time of trial.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eleventh Appellate District, Trumbull County
WRITING FOR THE COURT	Robert J. Patton, P.J.; Matt Lynch, J.; Scott Lynch, J.
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Trumbull County
DECIDED	December 8, 2025
DOCKET	2025-T-0008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the Trumbull County Court of Common Pleas' denial of his petition for postconviction relief without an evidentiary hearing.
STANDARD OF REVIEW	The denial of a postconviction-relief petition is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published Ohio Court of Appeals opinion
PARTIES	Dominic Michael Harvey v. State of Ohio

TOPICS

- post-conviction relief
- ineffective assistance
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- postconviction relief
- ineffective assistance of counsel
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Harvey's petition for postconviction relief without an evidentiary hearing.
2. Whether Harvey's ineffective-assistance-of-counsel claim was barred by res judicata because he failed to provide competent, relevant, and material evidence outside the trial record that was unavailable at the time of trial.
3. Whether Harvey demonstrated substantive grounds for postconviction relief based on an allegation that counsel rendered his guilty plea unknowing, unintelligent, or involuntary.

HOLDINGS

1. A defendant is not automatically entitled to a hearing on a postconviction-relief petition; the trial court must first determine whether the petition presents substantive grounds for relief.
2. An ineffective-assistance-of-counsel claim in a postconviction petition is barred by res judicata when the petitioner does not produce competent, relevant, and material evidence outside the trial record that was unavailable at the time of trial and the claim could have been raised on direct appeal.
3. Harvey failed to establish substantive grounds for relief because he submitted no evidence showing that counsel's alleged ineffectiveness caused his guilty plea to be unknowing, unintelligent, or involuntary.

KEY QUOTATIONS

“Postconviction relief is not an appeal of a conviction, but a collateral attack on the judgment.” (§10)

“The statute indicates that a defendant is not automatically entitled to a hearing when requesting postconviction relief.” (§14)

“When a defendant enters a guilty plea, he waives a claim of ineffective assistance of counsel except to the extent that ineffective assistance of counsel caused the defendant’s plea to be less than knowing, intelligent, and voluntary.” (§15)

FACTUAL BACKGROUND

Harvey pleaded guilty to four amended-indictment counts after the State dismissed an aggravating-circumstances specification and thereby eliminated the possibility of a death sentence. He received a jointly recommended sentence of 50 to 55 1/2 years to life. In his postconviction petition, Harvey alleged that counsel was ineffective for pressuring him to plead guilty and attached investigative police reports that he claimed supported self-defense. The reports were available to the defense and prosecution at the time of trial, and Harvey submitted no evidence outside the record that was unavailable at that time.

PROCEDURAL HISTORY

Harvey pleaded guilty to an amended indictment charging aggravated murder with firearm specifications, attempted aggravated murder with firearm specifications, tampering with evidence, and receiving stolen property. The trial court imposed a jointly recommended sentence of 50 to 55 1/2 years to life in December 2023. Harvey later filed a pro se postconviction petition alleging ineffective assistance of counsel, which the trial

court denied in February 2025 without a hearing. He appealed that denial; he had not filed a direct appeal from his convictions.

DISPOSITION

affirmed

CASES CITED

- State v. Gondor, 2006-Ohio-6679
- State v. Beasley, 2025-Ohio-1599, ¶ 36 (11th Dist.)
- State v. Beechler, 2010-Ohio-1900, ¶ 62 (2d Dist.)
- State v. Calhoun, 1999-Ohio-102
- State v. Steffen, 70 Ohio St.3d 399, 410 (1994)
- State v. Anderson, 2025-Ohio-3118, ¶ 22 (11th Dist.)
- State v. Hobbs, 2011-Ohio-5106, ¶ 17 (11th Dist.)
- State v. Hessler, 2002-Ohio-3321, ¶ 23 (10th Dist.)
- State v. D'Ambrosio, 1995-Ohio-129, ¶ 10
- State v. Perry, 10 Ohio St.2d 175, 180, 226 N.E.2d 104 (1967)
- State v. Gatchel, 2008-Ohio-1029, ¶¶28, 35 (11th Dist.)
- State v. Adams, 2005-Ohio-348, ¶ 39 (11th Dist.)
- State v. Cole, 2 Ohio St.3d 112, 113-114, 443 N.E.2d 169 (1982)
- State v. Blanton, 2022-Ohio-3985, ¶ 2
- State v. Hoyga, 2024-Ohio-639, ¶ 23 (11th Dist.)
- State v. Hatcher, 2023-Ohio-3884, ¶ 24 (8th Dist.)
- State v. Brown, 2023-Ohio-2540, ¶ 9 (11th Dist.)