

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

State v. Lucero

2026-Ohio-1414 · No. 2025-T-0048 · Decided April 20, 2026

SUMMARY

The Eleventh District Court of Appeals of Ohio affirmed David Lucero's aggregate indefinite prison sentence of 7 to 10.5 years for convictions involving pandering sexually oriented matter involving a minor and illegal use of a minor in nudity-oriented material or performance. The court held that the sentences were within the statutory range and that the trial court properly considered the purposes and principles of felony sentencing under R.C. 2929.11 and the seriousness and recidivism factors under R.C. 2929.12. The court declined to reweigh those factors or substitute community control for incarceration.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eleventh Appellate District, Trumbull County
WRITING FOR THE COURT	Robert J. Patton; John J. Eklund; Eugene A. Lucci
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Trumbull County
DECIDED	April 20, 2026
DOCKET	2025-T-0048
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Trumbull County Court of Common Pleas imposing an aggregate indefinite prison term of seven to ten and one-half years after guilty pleas to eight counts of pandering sexually oriented matter involving a minor and two counts of illegal use of a minor in nudity-oriented material or performance.
STANDARD OF REVIEW	Felony sentences are reviewed under R.C. 2953.08(G)(2). An appellate court may modify or vacate a sentence if it clearly and convincingly finds that the sentence is contrary to law. A sentence is contrary to law when it falls outside the statutory range or when the trial court fails to consider the purposes and principles of felony sentencing under R.C. 2929.11 and the seriousness and recidivism factors under R.C. 2929.12.

PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	David Lucero v. State of Ohio

TOPICS

sentencing sentencing guidelines appellate procedure standard of review criminal procedure

PRACTICE AREAS

Criminal law Felony sentencing Ohio appellate procedure

QUESTIONS PRESENTED

1. Whether Lucero's aggregate sentence was clearly and convincingly contrary to law because the trial court allegedly failed to consider the purposes and principles of felony sentencing under R.C. 2929.11 and the seriousness and recidivism factors under R.C. 2929.12.
2. Whether the appellate court could independently reweigh the sentencing factors or review whether prison rather than community control was appropriate.

HOLDINGS

1. The sentence was not clearly and convincingly contrary to law because each term fell within the statutory range and the trial court expressly considered the purposes and principles of felony sentencing and the seriousness and recidivism factors.
2. The appellate court may not independently reweigh the competing sentencing factors or review whether the record supports prison instead of community control when the trial court considered the required statutes and imposed a sentence within the statutory guidelines.

KEY QUOTATIONS

“Accordingly, “R.C. 2953.08(G)(2)(b) . . . does not provide a basis for an appellate court to modify or vacate a sentence based on its view that the sentence is not supported by the record under R.C. 2929.11 and 2929.12.”” (¶ 19)

“A sentencing court fulfills its duties under R.C. 2929.11 and 2929.12 by stating that it considered them.” (¶ 24)

FACTUAL BACKGROUND

Investigators received cyber tips concerning child-pornography material allegedly emanating from Lucero's IP address, and a search warrant was executed at his residence. The State represented that the evidence would show Lucero created, developed, produced, reproduced, and published child-pornographic material. Lucero pleaded guilty to eight counts of pandering sexually oriented matter involving a minor and two counts of illegal use of a minor in nudity-oriented material or performance. The trial court imposed concurrent indefinite prison terms of seven years minimum to ten and one-half years maximum.

PROCEDURAL HISTORY

A grand jury initially indicted Lucero on 30 counts. After withdrawing a suppression motion, Lucero pleaded guilty to an amended indictment charging ten second-degree felonies; the remaining counts were dismissed. The trial court imposed concurrent indefinite prison terms resulting in an aggregate sentence of seven to ten and one-half years. Lucero appealed, arguing that the sentence was clearly and convincingly contrary to law because the court allegedly failed to consider the felony-sentencing purposes, principles, and statutory factors.

DISPOSITION

affirmed

CASES CITED

- State v. Lamb, 2023-Ohio-2834, ¶ 9 (11th Dist.)
- State v. Shannon, 2021-Ohio-789, ¶ 11 (11th Dist.)
- State v. Brown, 2017-Ohio-8416, ¶ 74 (2d Dist.)
- State v. Feidler, 2024-Ohio-2040, ¶ 10 (11th Dist.)
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶¶ 28, 31
- State v. DelManzo, 2008-Ohio-5856, ¶ 23 (11th Dist.)
- State v. DeLuca, 2021-Ohio-1007, ¶ 18 (11th Dist.)
- State v. Miller, 2025-Ohio-339, ¶ 21 (11th Dist.)
- State v. Hall, 2025-Ohio-5281, ¶ 24 (11th Dist.)

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