

FIFTH DISTRICT COURT OF APPEALS OF OHIO

State v. Stone

2026-Ohio-1372 · No. 2025 CAA 09 0080 · Decided April 15, 2026

SUMMARY

The Fifth District Court of Appeals of Ohio affirmed Adam Stone’s convictions and consecutive sentences for telecommunications fraud and attempted impersonation of a peace officer or private police officer. The court held that the record supported the trial court’s consecutive-sentencing findings under R.C. 2929.14(C)(4) and that the offenses did not merge as allied offenses because they were based on separate and distinct conduct.

CASE DETAILS

COURT	Fifth District Court of Appeals of Ohio
WRITING FOR THE COURT	William B. Hoffman; Robert G. Montgomery; Craig R. Baldwin
JURISDICTION	Ohio Fifth District Court of Appeals
DECIDED	April 15, 2026
DOCKET	2025 CAA 09 0080
DISPOSITION	affirmed
PROCEDURAL POSTURE	Adam Stone appealed from the Delaware County Court of Common Pleas judgment imposing consecutive prison sentences after his guilty pleas to telecommunications fraud and attempted impersonation of a peace officer or private police officer.
STANDARD OF REVIEW	Under Ohio Revised Code section 2953.08(G)(2), an appellate court may modify or vacate consecutive sentences only if it clearly and convincingly finds that the record does not support the trial court's statutory findings or that the sentence is otherwise contrary to law. The appellate court does not review the sentence under an abuse-of-discretion standard or substitute its judgment for that of the sentencing court. Allied-offense merger was reviewed under the conduct, animus, and import factors of State v. Ruff; because the issue was not raised until the conclusion of sentencing, the appellate court considered the claim as plain error.
PRECEDENTIAL VALUE	Published Ohio Fifth District Court of Appeals opinion
PARTIES	Adam Stone v. State of Ohio

TOPICS

sentencing

criminal procedure

standard of review

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double jeopardy

PRACTICE AREAS

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allied-offense merger

QUESTIONS PRESENTED

1. Whether the trial court's consecutive-sentence findings under Ohio Revised Code section 2929.14(C)(4) were unsupported by the record or resulted in a sentence contrary to law.
2. Whether telecommunications fraud and attempted impersonation of a peace officer or private police officer were allied offenses of similar import requiring merger under Ohio Revised Code section 2941.25 and the Double Jeopardy Clauses of the Ohio and United States Constitutions.

HOLDINGS

1. The consecutive sentences were lawful because the trial court made the required statutory findings and the record did not clearly and convincingly fail to support those findings or establish that the sentence was contrary to law.
2. The offenses did not merge because they were based on separate and distinct conduct, even though the impersonation was committed in furtherance of the fraud and with the same animus.

KEY QUOTATIONS

“An appellate court may increase, decrease, or otherwise modify consecutive sentences only if it clearly and convincingly finds the record does not support the trial court's findings or it clearly and convincingly finds the sentence is contrary to law.” (¶ 14)

“Attorney Kinsler was not a victim as a result of Appellant's impersonating him in a phone call with the Strakers. There was no identifiable harm to Attorney Kinsler.” (¶ 29)

“Based upon the foregoing, we find the offenses of telecommunication fraud and attempted impersonation of a peace officer are not allied offenses in this case.” (¶ 30)

FACTUAL BACKGROUND

Stone, a licensed attorney, represented Dan and Mindy Straker after the death of their son and led them to believe that he was pursuing an investigation and potential prosecution through the Ohio Attorney General's Office. He sent fabricated updates about a special grand jury, an impending indictment, and an arrest warrant, obtained payments from the Strakers, and impersonated an attorney associated with the Attorney General's Office. After the Strakers discovered the fraud, Stone continued to perpetuate it in recorded conversations.

PROCEDURAL HISTORY

A Delaware County grand jury indicted Stone on telecommunications fraud, identity fraud, impersonation of a peace officer or private police officer, and grand theft. Pursuant to a negotiated plea, Stone pleaded guilty to

telecommunications fraud and attempted impersonation of a peace officer or private police officer; the remaining counts were dismissed. The trial court imposed consecutive terms of 36 months and 18 months. Stone appealed, challenging the consecutive-sentence findings and the failure to merge the offenses as allied offenses of similar import. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Bonnell, 2014-Ohio-3177, ¶¶ 26, 37
- State v. Blanton, 2025-Ohio-237, ¶ 30
- State v. Glover, 2024-Ohio-5195, ¶¶ 39, 42-46
- State v. Ruff, 2015-Ohio-995, paragraph one of the syllabus, ¶ 25