

OHIO COURT OF APPEALS, SEVENTH APPELLATE DISTRICT

State v. Simmons

2026-Ohio-360 · No. 25 CO 0015 · Decided February 4, 2026

SUMMARY

The Seventh District Court of Appeals of Ohio affirmed Shanika S. Simmons's conviction for promoting prostitution under R.C. 2907.22(A)(1). The court rejected her claims of ineffective assistance based on trial counsel's failure to secure the testimony of a potential witness, insufficient evidence that she operated or had an interest in an enterprise, and a verdict against the manifest weight of the evidence. The opinion discusses the evidence arising from an undercover investigation and the statutory elements of promoting prostitution.

CASE DETAILS

COURT	Ohio Court of Appeals, Seventh Appellate District
WRITING FOR THE COURT	Carol Ann Robb; Cheryl L. Waite; Mark A. Hanni
JURISDICTION	Ohio Court of Appeals, Seventh Appellate District, Columbiana County
DECIDED	February 4, 2026
DOCKET	25 CO 0015
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed her jury conviction for promoting prostitution under Ohio Revised Code § 2907.22(A)(1), challenging the effectiveness of trial counsel, the sufficiency of the evidence, and the manifest weight of the evidence.
STANDARD OF REVIEW	Ineffective-assistance claims require proof of deficient performance and resulting prejudice, and on direct appeal the claim must be established from the record. Sufficiency of the evidence is reviewed as a matter of law, viewing the evidence and reasonable inferences in the light most favorable to the prosecution to determine whether any rational juror could find the elements proven beyond a reasonable doubt. Manifest-weight review considers the entire record, weighs the evidence and credibility, and asks whether the jury clearly lost its way and created a manifest miscarriage of justice; reversal on that basis requires a unanimous appellate court.

PRECEDENTIAL VALUE	published
PARTIES	Shanika S. Simmons v. State of Ohio

TOPICS

criminal procedure ineffective assistance appellate procedure standard of review evidence

PRACTICE AREAS

criminal law criminal procedure appellate litigation ineffective assistance of counsel evidence

QUESTIONS PRESENTED

1. Whether trial counsel provided ineffective assistance by failing to issue a separate subpoena for C.R.
2. Whether the evidence was legally sufficient to prove that Simmons knowingly established, maintained, operated, managed, supervised, controlled, or had an interest in an enterprise whose purpose was to facilitate sexual activity for hire under Ohio Revised Code § 2907.22(A)(1).
3. Whether the conviction was against the manifest weight of the evidence.

HOLDINGS

1. Simmons failed to establish either deficient performance or prejudice because the record did not show that counsel acted unreasonably in relation to C.R. or that C.R.'s testimony would probably have changed the result.
2. The evidence was sufficient for a rational juror to find beyond a reasonable doubt that Simmons knowingly established, maintained, operated, managed, supervised, controlled, or had an interest in an enterprise whose purpose was to facilitate sexual activity for hire.
3. The conviction was not against the manifest weight of the evidence because this was not the exceptional case in which the jury clearly lost its way and created a manifest miscarriage of justice.

KEY QUOTATIONS

“In sum, the record does not establish deficient performance or prejudice in failing to issue a separate defense subpoena for C.R.” (¶44)

“A rational juror could conclude beyond a reasonable doubt that Appellant knowingly established, maintained, operated, managed, supervised, controlled, or had an interest in an enterprise for the purpose of which was to facilitate engagement in sexual activity for hire.” (¶66)

“Upon reviewing all testimony and evidence, we conclude this is not the exceptional case where the jury lost its way and created a manifest miscarriage of justice so as to require a new trial on the offense of promoting prostitution under R.C. 2907.22(A)(1).” (¶75)

FACTUAL BACKGROUND

Simmons posted an online advertisement offering sexual services and, after an undercover detective contacted her, offered the simultaneous services of herself and C.R. Simmons negotiated the price and terms, requested a deposit for gas, supplied rules and condoms, communicated exclusively with the detective, and drove C.R. to the undercover location. The jury heard the detective's testimony, viewed the advertisement and text messages, and heard a recorded call in which Simmons negotiated compensation for both women. Simmons admitted soliciting the detective but claimed she had no business interest in C.R.'s activities.

PROCEDURAL HISTORY

Simmons was indicted in the Columbiana County Court of Common Pleas after an undercover prostitution investigation. Following delays, a jury trial was held on July 29, 2024, and the jury found her guilty. The trial court denied her post-verdict motion for acquittal and motion for a new trial, later sentenced her to twelve months in prison, and entered judgment. The Ohio Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Madrigal, 87 Ohio St.3d 378 (2000)
- State v. Hartman, 93 Ohio St.3d 274 (2001)
- State v. Bradley, 42 Ohio St.3d 136 (1989)
- State v. Carter, 72 Ohio St.3d 545 (1995)
- Lockhart v. Fretwell, 506 U.S. 364 (1993)
- Cleveland v. Graham, 2014-Ohio-3413, ¶11 (8th Dist.)
- State v. Treesh, 90 Ohio St.3d 460 (2001)
- State v. Gettings, 2017-Ohio-7764, ¶21 (7th Dist.)
- State v. Thompkins, 78 Ohio St.3d 380 (1997)
- State v. Williams, 74 Ohio St.3d 569 (1996)
- State v. Yarbrough, 2002-Ohio-2126, ¶¶79, 82
- State v. Murphy, 91 Ohio St.3d 516 (2001)
- State v. Goff, 82 Ohio St.3d 123 (1998)
- State v. Filiaggi, 86 Ohio St.3d 230 (1999)
- Jackson v. Virginia, 443 U.S. 307 (1979)
- In re T.J., 2014-Ohio-4919 (9th Dist.)
- State v. Beverly, 2015-Ohio-219
- State v. Sapp, 2004-Ohio-7008
- State v. Smith, 2025-Ohio-2939 (3d Dist.)
- State v. Satterfield, 2017-Ohio-5616 (2d Dist.)

- State v. Lang, 2011-Ohio-4215
- State v. Hunter, 2011-Ohio-6524
- State v. DeHass, 10 Ohio St.2d 230 (1967)
- Seasons Coal Co. v. Cleveland, 10 Ohio St.3d 77 (1984)
- State v. Carter, 2017-Ohio-7501, ¶105 (7th Dist.)
- State v. Gore, 131 Ohio App.3d 197 (7th Dist. 1999)
- State v. Perkins, 2025-Ohio-634, ¶70 (7th Dist.)
- State v. Barnhart, 2010-Ohio-3282, ¶42 (7th Dist.)
- State v. Mastel, 26 Ohio St.2d 170 (1971)

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