

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT

State v. Edwards

2025-Ohio-5774 · No. E-25-016 · Decided December 26, 2025

SUMMARY

The Sixth District Court of Appeals of Ohio affirmed Ernest Edwards’s 36-month prison sentence for third-degree-felony child endangering. The court held that the trial court could consider relevant uncharged conduct and that Edwards’s challenge to the trial court’s consideration of sentencing factors under R.C. 2929.11 and 2929.12 was not subject to appellate review under the applicable standard.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District
WRITING FOR THE COURT	Gene A. Zmuda; Myron C. Duhart; Charles E. Sulek
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Erie County
DECIDED	December 26, 2025
DOCKET	E-25-016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Edwards pleaded guilty to third-degree-felony child endangering and appealed the trial court's imposition of a 36-month prison sentence, arguing that the maximum sentence was contrary to law because the court considered uncharged conduct and conduct by another person.
STANDARD OF REVIEW	Under R.C. 2953.08(G)(2), an appellate court may not independently reweigh the sentencing evidence or substitute its judgment for the trial court's judgment regarding the sentence that best complies with R.C. 2929.11 and 2929.12.
PRECEDENTIAL VALUE	nonprecedential accelerated-calendar judgment entry
PARTIES	Ernest Edwards v. State of Ohio

TOPICS

- sentencing
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- criminal sentencing
- appellate practice

QUESTIONS PRESENTED

1. Whether the trial court's 36-month sentence was contrary to law or an abuse of discretion because the court considered uncharged conduct and conduct by another person.
2. Whether the appellate court could independently reweigh sentencing evidence or review an alleged error based solely on the trial court's consideration of factors under R.C. 2929.11 and R.C. 2929.12.

HOLDINGS

1. A sentencing court may consider a defendant's unindicted acts so long as those acts are not the sole basis for the sentence.
2. An appellate court may not independently weigh the sentencing evidence or substitute its judgment for the trial court's judgment concerning the sentence that best complies with R.C. 2929.11 and R.C. 2929.12.

KEY QUOTATIONS

“R.C. 2953.08(G)(2) does not permit an “appellate court to independently weigh the evidence in the record and substitute its judgment for that of the trial court concerning the sentence that best reflects compliance with R.C. 2929.11 and 2929.12.”” (¶ 5)

FACTUAL BACKGROUND

A two-year-old child sustained second- and third-degree burns over nearly half of his body in October 2023 while in Edwards's care. Edwards was indicted for child endangering, pleaded guilty, and was found guilty. At sentencing, the trial court considered the victim's age and extensive injuries, Edwards's relationship with the victim, his failure to obtain help, his lack of remorse, and a recent incident involving inadequate supervision of another child in his care.

PROCEDURAL HISTORY

Edwards was indicted in the Erie County Court of Common Pleas, pleaded guilty, and was sentenced to 36 months in prison. He timely appealed from the April 11, 2025 judgment. The Sixth District placed the appeal on its accelerated calendar and affirmed, entering judgment for the State under App.R. 12(B).

DISPOSITION

affirmed

CASES CITED

- State v. Griffin, 2021-Ohio-3137, ¶ 19 (6th Dist.)
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 42
- State v. Orzechowski, 2021-Ohio-985, ¶ 13 (6th Dist.)

OPINION

PER CURIAM.

[Cite as State v. Edwards, 2025-Ohio-5774.] IN THE COURT OF APPEALS OF OHIO SIXTH APPELLATE DISTRICT ERIE COUNTY State of Ohio Court of Appeals No. E-25-016 Appellee Trial Court No. 2024-CR-0133 v. Ernest Edwards DECISION AND JUDGMENT Appellant Decided: December 26, 2025 ***** Kevin J. Baxter, Esq., Erie County Prosecutor, and Kristin R. Palmer, Assistant Prosecuting Attorney, for appellee.

Loretta Riddle, for appellant. ***** ZMUDA, J. {¶ 1} Appellant, Ernest Edwards, appeals the April 11, 2025 judgment of the Erie County Court of Common Pleas. We sua sponte place this matter on the accelerated calendar pursuant to App.R. 11.1(A), and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op.3.1; App.R. 11.1(E); 6th Dist.Loc.App.R.

12. For the following reasons, we affirm the judgment of the trial court. {¶ 2} On April 10, 2024, appellant was indicted on one count of endangering children in violation of R.C. 2919.22(A) and (E)(2)(c), a third-degree felony.

The charge stemmed from an October 2023 incident in which a two-year-old child sustained second- and third-degree burns over nearly half of his body while under appellant's care. Appellant entered a guilty plea. The trial court accepted appellant's plea and found him guilty. {¶ 3} At the sentencing hearing, the trial court imposed a 36-month prison term, expressly considering the young age of the victim, the extensive and significant injuries sustained by the victim, appellant's relationship with the victim, appellant's failure to seek help for the victim's injuries, and appellant's lack of remorse as evidenced by appellant's inconsistent statements to the police, the medical providers treating the victim, and the court during the sentencing hearing.

In further discussing the likelihood of recidivism, the trial court noted that just a month before the incident underlying the charge in this case, in September 2023, the police were contacted regarding the lack of appropriate supervision of another child in appellant's care, and "there [were] lies at that time, albeit by not necessarily you, but the very next month this happens." {¶ 4} Appellant timely appealed and raises a single assignment of error for our review: 2.

The trial court's maximum sentence of Appellant on the sole count of the indictment was an abuse of discretion. Appellant argues that that the trial court improperly considered uncharged conduct and conduct by another person—the person who lied during the September 2023 incident—in imposing his sentence and therefore his sentence was contrary to law.

However, the trial court expressly pointed out that the "lies" were not made by appellant, and "[s]o long as they are not the sole basis for the sentence, a court may consider a defendant's unindicted acts" in imposing a sentence. State v. Griffin, 2021-Ohio-3137, ¶ 19 (6th Dist.). Indeed, appellant's involvement in an incident that also involved the lack of supervision of a child in his care that

occurred only a month before the conduct giving rise to the instant charge was relevant to the recidivism factors a sentencing court is required to consider pursuant to R.C.

2929.12. {¶ 5} In *State v. Jones*, 2020-Ohio-6729, ¶ 42, the Ohio Supreme Court held that R.C. 2953.08(G)(2) does not permit an “appellate court to independently weigh the evidence in the record and substitute its judgment for that of the trial court concerning the sentence that best reflects compliance with R.C. 2929.11 and 2929.12.” Applying *Jones*, we held that “assigning error to the trial court’s imposition of sentence as contrary to law based solely on its consideration of R.C.

2929.11 and 2929.12 is no longer grounds for this court to find reversible error.” *State v. Orzechowski*, 2021-Ohio-985, ¶ 13 (6th Dist.) (emphasis added). Because appellant’s assigned error involves the trial court’s consideration of a factor that falls squarely within R.C. 2929.11 and 2929.12, he has not 3. alleged any error that is subject to review by this court, and we find that the State is entitled to have judgment entered in its favor as a matter of law pursuant to App.R.

12(B). Therefore, the April 11, 2025 judgment of the Erie County Court of Common Pleas is affirmed. {¶ 6} Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24. Judgment affirmed. A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See also 6th Dist.Loc.App.R. 4. Gene A. Zmuda, J. JUDGE Myron C. Duhart, J. JUDGE Charles E. Sulek, P.J. CONCUR.

JUDGE This decision is subject to further editing by the Supreme Court of Ohio’s Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court’s web site at: <http://www.supremecourt.ohio.gov/ROD/docs/>. 4.