

COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, LUCAS COUNTY

State v. Smith

2026-Ohio-2233 · No. L-26-00049 · Decided June 12, 2026

SUMMARY

The Sixth District Court of Appeals of Ohio reversed the Lucas County Court of Common Pleas’ denial of Kenan Smith Jr.’s timely petition for post-conviction relief. The court held that the trial court had jurisdiction to consider the petition despite the pendency of Smith’s direct appeal under R.C. 2953.21(D), and remanded for consideration of the petition. Smith’s motion for a specific remand was denied, and the second assignment of error was deemed moot.

CASE DETAILS

COURT	Court of Appeals of Ohio, Sixth Appellate District, Lucas County
WRITING FOR THE COURT	Myron C. Duhart, J.; Christine E. Mayle, J.; Gene A. Zmuda, J.
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	June 12, 2026
DOCKET	L-26-00049
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Smith appealed the Lucas County Court of Common Pleas' denial of his timely petition to vacate or set aside his sentence for post-conviction relief while his direct appeal was pending.
STANDARD OF REVIEW	The court reviewed the trial court's jurisdictional determination regarding the post-conviction petition for legal error. The opinion does not expressly state a separate standard of review.
PRECEDENTIAL VALUE	published
PARTIES	Kenan Smith, Jr. v. State of Ohio

TOPICS

- state post-conviction relief
- post-conviction relief
- appellate procedure
- statutory interpretation
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a trial court has jurisdiction to consider a timely petition for post-conviction relief while a direct appeal of the judgment is pending.
2. Whether the trial court's failure to issue findings of fact and conclusions of law required reversal.

HOLDINGS

1. Under R.C. 2953.21(D), a trial court must consider a timely filed petition for post-conviction relief even when a direct appeal of the judgment is pending; therefore, the trial court erred in finding that it lacked jurisdiction.
2. The second assignment of error was moot because the first assignment required reversal and remand; the court nevertheless noted that a trial court is required to issue findings of fact and conclusions of law when denying a timely petition for post-conviction relief.

KEY QUOTATIONS

“R.C. 2953.21(D) specifically provides that a trial court “shall consider a petition that is timely filed within the period specified in division (A)(2) of this section even if a direct appeal of the judgment is pending.”” (¶ 5)

“We remand for consideration of Smith’s Petition to Vacate and/or Set Aside Sentence.” (¶ 8)

FACTUAL BACKGROUND

On July 11, 2025, Smith entered no-contest pleas to involuntary manslaughter, improperly discharging a firearm into a habitation, and discharging a firearm on or near a prohibited premises. He was sentenced to consecutive terms totaling a minimum of 28 years and a maximum of 33 years, consecutive to a sentence in another Lucas County case. While his direct appeal was pending, he filed a timely petition to vacate or set aside his sentence, which the trial court rejected on the ground that it lacked jurisdiction.

PROCEDURAL HISTORY

Smith pleaded no contest to involuntary manslaughter and two firearm offenses and received consecutive prison terms totaling 28 to 33 years. He filed a direct appeal and then filed a petition to vacate or set aside his sentence in the trial court. The trial court denied the petition for lack of jurisdiction because the direct appeal was pending. The Court of Appeals reversed and remanded, holding that the trial court had jurisdiction to consider the timely petition.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Lucas County Court of Common Pleas must consider Smith's Petition to Vacate and/or Set Aside Sentence. The appellate court declined to restrict whether the State may file an answer or response.

CASES CITED

- State v. Orr, 2010-Ohio-366 (8th Dist.)
- State v. Vasquez, 2013-Ohio-4087 (6th Dist.)

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