

OHIO COURT OF APPEALS, SECOND APPELLATE DISTRICT, CHAMPAIGN
COUNTY

State v. Hurley

2025-Ohio-5432 · No. 2024-CA-25 · Decided December 5, 2025

SUMMARY

The Ohio Second District Court of Appeals affirmed Blayden James Daniel Hurley’s convictions and sentence for aggravated vehicular assault and operating a vehicle under the influence. The court held that the offenses were not allied offenses of similar import and therefore did not merge for sentencing. It also concluded that the record did not support vacating or modifying Hurley’s five-to-seven-and-a-half-year prison sentence.

CASE DETAILS

COURT	Ohio Court of Appeals, Second Appellate District, Champaign County
WRITING FOR THE COURT	Michael L. Tucker; Lewis; Hanseman
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Champaign County
DECIDED	December 5, 2025
DOCKET	2024-CA-25
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hurley pleaded guilty to aggravated vehicular assault and one count of operating a motor vehicle while under the influence of alcohol. After the trial court imposed an indefinite five-to-seven-and-a-half-year prison sentence for aggravated vehicular assault and a concurrent six-month jail term for OVI, Hurley appealed, challenging the failure to merge the offenses and the sentence.
STANDARD OF REVIEW	Felony sentences are reviewed under Ohio Revised Code § 2953.08(G)(2). An appellate court may modify or vacate a sentence only if it clearly and convincingly finds that the record does not support findings under specified statutes or that the sentence is otherwise contrary to law. The court may not review the trial court's weighing of R.C. 2929.12 seriousness and recidivism factors merely because the record allegedly does not support that weighing, although reliance on extraneous considerations such as materially false information may render a sentence contrary to law.

PRECEDENTIAL VALUE

Published Ohio Court of Appeals opinion

PARTIES

Blayden James Daniel Hurley v. State of Ohio

TOPICS

criminal procedure

sentencing

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standard of review

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QUESTIONS PRESENTED

1. Whether operating a motor vehicle while under the influence of alcohol and aggravated vehicular assault are allied offenses of similar import that must merge for sentencing under Ohio's multiple-offense statute and double-jeopardy protections.
2. Whether the record supported or otherwise permitted the trial court's imposition of an indefinite five-to-seven-and-a-half-year prison sentence for aggravated vehicular assault under R.C. 2953.08(G)(2).

HOLDINGS

1. OVI and aggravated vehicular assault are of dissimilar import and significance and therefore do not merge; separate convictions and sentences for the offenses are permissible.
2. The five-to-seven-and-a-half-year sentence was not subject to modification or vacatur because Hurley did not clearly and convincingly show that the sentence was unsupported under a reviewable statute or contrary to law.

KEY QUOTATIONS

“OVI and aggravated vehicular assault do not merge because they are “of dissimilar import and significance.”” (¶ 8)

“Under that statute, an appellate court may increase, reduce, or modify a sentence, or it may vacate the sentence and remand for resentencing, only if it clearly and convincingly finds either: (1) the record does not support the sentencing court’s findings under certain statutes . . . or (2) the sentence is otherwise contrary to law.” (¶ 11)

FACTUAL BACKGROUND

After drinking and tubing on a nearby river, Hurley crashed his vehicle into a tree on June 9, 2024, seriously injuring a passenger. Two firearms were found in the vehicle. Hurley admitted that his driving privileges were suspended and that he was very intoxicated; the prosecutor reported a breath-alcohol result of .195. The trial court also considered his prior accident, prior financial-responsibility suspensions, substance-related conduct while the case was pending, and the passenger's continuing physical problems.

PROCEDURAL HISTORY

A grand jury indicted Hurley on OVI, firearm-handling, aggravated-vehicular-assault, and vehicular-assault charges. Under a plea agreement, he pleaded guilty to aggravated vehicular assault and one OVI count, while the remaining charges were dismissed. The Champaign County Common Pleas Court accepted the pleas, entered convictions, and imposed sentence. The Second District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Ruff, 2015-Ohio-995
- State v. Earley, 2015-Ohio-4615
- State v. Evans, 2023-Ohio-3656, ¶ 8 (2d Dist.)
- State v. Marcum, 2016-Ohio-1002, ¶¶ 7, 9
- State v. Bryant, 2022-Ohio-1878, ¶ 22
- State v. Orr, 2024-Ohio-4707, ¶¶ 12-14 (2d Dist.)