

OHIO COURT OF APPEALS, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

State v. Crowder

2026-Ohio-1474 · No. 30560 · Decided April 24, 2026

SUMMARY

The Ohio Second District Court of Appeals affirmed Robert Crowder Jr.'s convictions for trespass in a habitation, forgery, tampering with records, and false representation as an attorney. The court held that the trespass conviction was supported by sufficient evidence and was not against the manifest weight of the evidence, and that the trial court did not commit plain error by failing to merge the forgery and tampering-with-records convictions.

CASE DETAILS

COURT	Ohio Court of Appeals, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Ronald C. Lewis, Presiding Judge; Tucker, Judge; Hanseman, Judge
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	April 24, 2026
DOCKET	30560
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his convictions after a jury trial and sentencing in the Montgomery County Court of Common Pleas, challenging the sufficiency and manifest weight of the evidence supporting his trespass-in-a-habitation conviction and the failure to merge his forgery and tampering-with-records convictions for sentencing.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed de novo, viewing the evidence in the light most favorable to the prosecution and asking whether any rational trier of fact could have found the essential elements proven beyond a reasonable doubt. A manifest-weight challenge requires review of the entire record, weighing the evidence and credibility, with reversal warranted only in the exceptional case where the evidence weighs heavily against the conviction. Because Crowder did not object to the failure to merge the forgery and tampering convictions, the merger issue was reviewed for plain error.

PRECEDENTIAL VALUE	published
PARTIES	Robert Crowder Jr. v. State of Ohio

TOPICS

criminal procedure sentencing appellate procedure standard of review evidence

PRACTICE AREAS

criminal law criminal procedure appellate practice sentencing

QUESTIONS PRESENTED

1. Whether sufficient evidence supported the element of trespass in a habitation requiring that a person other than an accomplice be present or likely to be present.
2. Whether Crowder's trespass-in-a-habitation conviction was against the manifest weight of the evidence.
3. Whether the trial court committed plain error by failing to merge the forgery and tampering-with-records convictions as allied offenses of similar import for sentencing.

HOLDINGS

1. Sufficient evidence supported Crowder's trespass-in-a-habitation conviction because the trespass continued while Crowder remained at the property, and the State proved that the electrician and J.C. were present at the property during that continuing trespass.
2. The conviction was not against the manifest weight of the evidence because the record supported the jury's finding that Crowder remained on J.C.'s property without permission while the electrician and J.C. were present.
3. The trial court did not commit plain error by failing to merge the forgery and tampering-with-records convictions because the offenses involved separate victims: J.C. was the victim of forgery, while the county government was the victim of tampering with records.

KEY QUOTATIONS

“To resolve a sufficiency challenge, we must determine ‘whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.’” (¶ 20)

“the ‘trespass’ element of burglary can constitute more than the initial entry and the trespass continues throughout the duration of the offense.” (¶ 23)

“An affirmative answer to any of the above will permit separate convictions. The conduct, the animus, and the import must all be considered.” (¶ 30)

“The forgery and tampering with records offenses are not allied offenses of similar import, and the trial court did not commit plain error by failing to merge the two convictions for purposes of sentencing.” (¶ 36)

FACTUAL BACKGROUND

Crowder and Dorrick Conner entered and occupied a vacant house owned by J.C. after Crowder represented that they could acquire abandoned properties through adverse possession. Neither Crowder nor Conner had J.C.'s permission to enter, occupy, or transfer the property, and Crowder prepared documents purporting to transfer J.C.'s property to himself. On July 8, 2022, J.C.'s electrician discovered Crowder living at the property, and J.C. arrived at the property shortly thereafter while Crowder remained there. Crowder was convicted of trespass in a habitation, forgery, tampering with records, and related offenses.

PROCEDURAL HISTORY

A Montgomery County grand jury returned indictments in 2024 and 2025 charging Crowder with six offenses. After a July 2025 jury trial, Crowder was convicted on all counts. The trial court merged the trespass-in-a-habitation and breaking-and-entering convictions for sentencing, but did not merge the forgery and tampering-with-records convictions; Crowder received an aggregate 66-month prison sentence and timely appealed.

DISPOSITION

affirmed

CASES CITED

- State v. Groce, 2020-Ohio-6671, ¶ 7
- In re J.V., 2012-Ohio-4961, ¶ 3
- State v. McKelton, 2016-Ohio-5735, ¶ 325
- State v. Jenks, 61 Ohio St. 3d 259 (1991), paragraph two of the syllabus
- State v. Goff, 82 Ohio St. 3d 123, 139 (1998)
- State v. DeHass, 10 Ohio St. 2d 230 (1967), paragraph one of the syllabus
- State v. Treesh, 90 Ohio St. 3d 460, 484 (2001)
- State v. Davis, 2004-Ohio-1908, ¶ 16 (8th Dist.)
- State v. Fontes, 87 Ohio St. 3d 527, 530 (2000)
- State v. Powell, 59 Ohio St. 3d 62, 63 (1991)
- State v. Scurry, 2011-Ohio-2243, ¶ 10 (9th Dist.)
- State v. Fairrow, 2004-Ohio-3145, ¶ 28 (4th Dist.)
- State v. Rosas, 2024-Ohio-2522, ¶¶ 27-28 (3d Dist.)
- State v. Thompkins, 1997-Ohio-52, ¶¶ 24-25
- State v. Group, 2002-Ohio-7247, ¶ 77
- State v. Martin, 20 Ohio App. 3d 172, 175 (1st Dist. 1983)
- State v. Earley, 2015-Ohio-4615, ¶ 12
- State v. Ruff, 2015-Ohio-995, ¶¶ 23, 31
- State v. Rogers, 2015-Ohio-2459, ¶ 3

- State v. Delaney, 2025-Ohio-16, ¶ 17 (5th Dist.)
- State v. Jarrell, 2019-Ohio-1356, ¶ 14 (8th Dist.)

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