

OHIO COURT OF APPEALS, FOURTH APPELLATE DISTRICT, LAWRENCE COUNTY

State v. Gipson

2026-Ohio-1707 · No. 25CA24 · Decided May 6, 2026

SUMMARY

The Ohio Fourth District Court of Appeals affirmed Stetson L. Gipson’s conviction for aggravated burglary. The court held that the conviction was not against the manifest weight of the evidence because witnesses testified that Gipson entered the residence without permission and assaulted the victim. The court also rejected Gipson’s ineffective-assistance claim, concluding that the challenged statements were not hearsay.

CASE DETAILS

COURT	Ohio Court of Appeals, Fourth Appellate District, Lawrence County
WRITING FOR THE COURT	Michael D. Hess; Smith, P.J.; Abele, J.
JURISDICTION	Ohio Court of Appeals, Fourth Appellate District, Lawrence County
DECIDED	May 6, 2026
DOCKET	25CA24
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gipson appealed his jury-trial conviction for aggravated burglary and challenged the manifest weight of the evidence and the effectiveness of his trial counsel.
STANDARD OF REVIEW	For a manifest-weight challenge, the appellate court reviews the entire record, weighs the evidence and reasonable inferences, considers witness credibility, and determines whether the trier of fact clearly lost its way and created a manifest miscarriage of justice. Weight and credibility determinations are primarily for the jury. Ineffective-assistance claims are reviewed under the Strickland two-part test, requiring deficient performance and prejudice.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals decision
PARTIES	Stetson L. Gipson v. State of Ohio

TOPICS

criminal procedure

evidence

ineffective assistance

hearsay

appellate procedure

PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether Gipson's aggravated-burglary conviction was against the manifest weight of the evidence because the evidence did not establish that he trespassed into the apartment or was present there.
2. Whether trial counsel provided ineffective assistance by failing to object to statements attributed to Cameron Cox and repeated by Jaren Duncan.

HOLDINGS

1. The conviction was not against the manifest weight of the evidence because testimony from Gannon and Cox established Gipson's presence in the apartment, and testimony from Duncan and Cox established that he lacked permission to enter.
2. Gipson did not receive ineffective assistance because the challenged statements were not hearsay, and he failed to establish prejudice from counsel's failure to object.

KEY QUOTATIONS

“In determining whether a criminal conviction is against the manifest weight of the evidence, we must review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of witnesses, and determine whether in resolving conflicts in the evidence, the trier of fact clearly lost its way and created such a manifest miscarriage of justice that we must reverse the conviction.” (¶ 26)

“To prevail on an ineffective assistance claim, a defendant must show: “(1) deficient performance by counsel, i.e., performance falling below an objective standard of reasonable representation, and (2) prejudice, i.e., a reasonable probability that, but for counsel's errors, the proceeding's result would have been different.”” (¶ 34)

“A witness is barred on hearsay grounds from testifying as to the statements made by another only when the statement is offered to prove the truth of the matter asserted in the statement, and only where the statement falls outside any exceptions to the rule against hearsay as set forth in Evid.R. 803 and 804.” (¶ 35)

FACTUAL BACKGROUND

Gannon was asleep in an upstairs bedroom of an apartment where he lived with Jaren Duncan when Gipson and Cameron Cox entered without permission and Gipson assaulted Gannon. Gannon, Duncan, Cox, and a responding officer testified about the assault, the lack of permission, the resulting injuries, and statements made after the incident. Gipson disputed his presence and claimed the evidence showed he had permission to enter, while his mother offered an alleged alibi based on a home security-camera screenshot. The jury credited the prosecution evidence and convicted Gipson of aggravated burglary.

PROCEDURAL HISTORY

The Lawrence County grand jury indicted Gipson for aggravated burglary under R.C. 2911.11(A)(1). He pleaded not guilty, proceeded to a jury trial, was convicted, and received a four-to-six-year prison sentence. The Ohio Court of Appeals affirmed the judgment, overruling both assignments of error.

DISPOSITION

affirmed

CASES CITED

- State v. Thompson, 78 Ohio St.3d 380, 387 (1997)
- State v. Hunter, 2011-Ohio-6524, ¶ 119
- State v. Hess, 2021-Ohio-1248, ¶ 15 (4th Dist.)
- State v. Smith, 2020-Ohio-5316, ¶ 31 (4th Dist.)
- State v. Eskridge, 38 Ohio St.3d 56, syllabus (1988)
- State v. Kirkland, 2014-Ohio-1966, ¶ 132
- State v. Reyes-Rosales, 2016-Ohio-3338, ¶ 17 (4th Dist.)
- State v. West, 2014-Ohio-1941, ¶ 23 (4th Dist.)
- State v. Koon, 2016-Ohio-416, ¶ 18
- State v. Cansler, 2025-Ohio-2558, ¶ 22 (12th Dist.)
- Matter of R.C., 2020-Ohio-1486, ¶ 57 (4th Dist.)
- State v. Minton, 2016-Ohio-5427, ¶¶ 79-80 (4th Dist.)
- State v. Short, 2011-Ohio-3641, ¶ 113
- Strickland v. Washington, 466 U.S. 668, 687-688, 694 (1984)
- State v. Gondor, 2006-Ohio-6679, ¶ 62
- Michel v. Louisiana, 350 U.S. 91, 101 (1955)
- State v. Pierce, 2024-Ohio-82, ¶ 25 (4th Dist.)
- State v. Cook, 65 Ohio St.3d 516, 524 (1992)
- State v. Davis, 62 Ohio St.3d 326, 344 (1991)
- State v. Carter, 72 Ohio St.3d 545, 549-550 (1995)