

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

State v. Glenn

2026-Ohio-1063 · No. CT2025-0094 · Decided March 25, 2026

SUMMARY

The Fifth District Court of Appeals of Ohio reviewed Michael Glenn's convictions and aggregate sixty-month sentence arising from escape, weapons, firearm-handling, and obstruction offenses. The court held that the gun offenses were not allied offenses of similar import and therefore did not merge for sentencing. It sustained Glenn's challenge to the post-release-control sanctions, reversed in part, and remanded for resentencing to calculate the precise remaining post-release-control period and impose a single corresponding prison term.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	Robert G. Montgomery; Kevin W. Popham; David M. Gormley
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Muskingum County
DECIDED	March 25, 2026
DOCKET	CT2025-0094
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Glenn appealed his convictions and jointly recommended aggregate sixty-month prison sentence from the Muskingum County Court of Common Pleas, arguing that three firearm-related offenses should merge as allied offenses and that the trial court improperly imposed post-release-control sanctions in two judgment entries without calculating the exact remaining term.
STANDARD OF REVIEW	Plain-error review applied to the forfeited allied-offenses claim. Sentencing legality was reviewed under the statutory sentencing-review framework, including whether the sentence was authorized by law.
PRECEDENTIAL VALUE	published
PARTIES	Michael H. Glenn v. State of Ohio

TOPICS

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QUESTIONS PRESENTED

1. Whether Glenn's convictions for having a weapon while under disability, carrying a concealed weapon, and improper handling of a firearm in a motor vehicle were allied offenses of similar import requiring merger for sentencing.
2. Whether the trial court was required to calculate and state the exact amount of post-release-control time remaining from Glenn's prior conviction.
3. Whether the trial court could impose separate post-release-control prison sanctions in both cases when Glenn was under post-release control from only one prior felony conviction.

HOLDINGS

1. The convictions for carrying a concealed weapon and improper handling of a firearm in a motor vehicle did not merge because they require different conduct and distinct elements. The conviction for having a weapon while under disability likewise did not merge with either offense because the firearm possession or acquisition occurred separately from concealment and from transportation of a loaded firearm in a vehicle.
2. The trial court was required to calculate and identify the exact amount of time remaining on Glenn's post-release control before imposing a prison term as a post-release-control sanction.
3. The trial court could impose only a single prison term as a post-release-control sanction for Glenn's commission of a new felony while under post-release control from his prior felony conviction; it could not impose that sanction separately in both cases.

KEY QUOTATIONS

“An accused's failure to raise the issue of allied offenses of similar import in the trial court forfeits all but plain error, and a forfeited error is not reversible error unless it affected the outcome of the proceeding and reversal is necessary to correct a manifest miscarriage of justice.” (¶11)

“In determining whether offenses are allied offenses of similar import within the meaning of R.C. 2941.25, courts must evaluate three separate factors - the conduct, the animus, and the import.” (¶13)

FACTUAL BACKGROUND

Glenn was placed on five years of post-release control after completing a prison term for aggravated robbery and later absconded from a residential treatment program. After officers stopped a vehicle in which he was a passenger, Glenn fled and was apprehended with a loaded handgun, syringe, and digital scales. Because of his prior aggravated-robbery conviction, he was under a disability prohibiting firearm possession. He pleaded guilty

under an agreement to escape and several firearm-related offenses, with the parties jointly recommending an aggregate sixty-month sentence.

PROCEDURAL HISTORY

A Muskingum County grand jury indicted Glenn in two cases for escape and multiple firearm-related offenses. Pursuant to a plea agreement, Glenn pleaded guilty to escape and four offenses in the second case, and the State dismissed the remaining counts. The trial court imposed the jointly recommended aggregate sixty-month sentence, imposed the remaining post-release-control sanction from a prior conviction consecutively in each case, and ordered post-release control after the new sentence. The appellate court rejected the merger claim but sustained the post-release-control assignment of error, reversing in part and remanding for a new sentencing hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must conduct a new sentencing hearing, calculate and state the exact amount of post-release-control time remaining from Glenn's prior aggravated-robbery conviction, and impose only a single prison term as the post-release-control sanction in one of the cases.

CASES CITED

- State v. Rogers, 2015-Ohio-2459
- State v. Folk, 2020-Ohio-4373
- State v. Black, 2016-Ohio-383
- State v. Bailey, 2024-Ohio-4407
- State v. Barnes
- State v. Ruff, 2015-Ohio-995
- State v. Ryan, 2012-Ohio-1265
- State v. Sawyer, 2020 Ohio App. LEXIS 1366
- State v. Walker, 2010-Ohio-2125
- State v. Philpott, 2020-Ohio-5267
- State v. Rice, 69 Ohio St.2d 422 (1982)
- State v. Lyons, 2017-Ohio-4385
- State v. Young, 2011-Ohio-747
- State v. Sergeant, 2016-Ohio-2696
- State v. Underwood, 2010-Ohio-1
- State v. Evilsizor, 2018-Ohio-3599

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