

COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, STARK
COUNTY

State v. Kennedy

2026-Ohio-442 (5th Dist.) · No. 2025CA00097 · Decided February 11, 2026

SUMMARY

The Fifth District Court of Appeals affirmed the Stark County Court of Common Pleas’ denial of Willis Kennedy’s petition for postconviction relief. The court held that some ineffective-assistance claims were barred by res judicata and that the remaining claims were speculative and unsupported by evidence sufficient to establish deficient performance or prejudice.

CASE DETAILS

COURT	Court of Appeals of Ohio, Fifth Appellate District, Stark County
WRITING FOR THE COURT	William B. Hoffman; Andrew J. King; David M. Gormley
JURISDICTION	Court of Appeals of Ohio, Fifth Appellate District, Stark County
DECIDED	February 11, 2026
DOCKET	2025CA00097
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the Stark County Court of Common Pleas' denial of his petition to vacate or set aside his criminal conviction or sentence, which the trial court treated as a petition for postconviction relief.
STANDARD OF REVIEW	A denial of a petition for postconviction relief is reviewed for abuse of discretion. The trial court's gatekeeping determinations concerning the sufficiency of the petition's factual allegations and the credibility of supporting affidavits are entitled to deference.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Willis Kennedy v. State of Ohio

TOPICS

- post-conviction relief
- ineffective assistance
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court properly treated Kennedy's motion to vacate or set aside his conviction or sentence as a petition for postconviction relief.
2. Whether res judicata barred Kennedy's ineffective-assistance claims concerning counsel's alleged failure to file pretrial motions when the information supporting those claims was available during trial and direct appeal.
3. Whether Kennedy presented competent evidence dehors the record and substantive grounds demonstrating that trial counsel substantially violated an essential duty and that the alleged deficiencies prejudiced him.
4. Whether the trial court abused its discretion by denying the petition for postconviction relief.

HOLDINGS

1. A pleading filed after the time for direct appeal, alleging constitutional violations, seeking to render the judgment void or voidable, and requesting that the judgment and sentence be vacated is a petition for postconviction relief regardless of its caption. Kennedy's motion therefore was properly treated as a postconviction petition.
2. Ohio's res judicata doctrine bars a postconviction claim that was raised or could have been raised on direct appeal, but it does not bar an ineffective-assistance claim based on competent evidence dehors the record.
3. Courts evaluating an ineffective-assistance postconviction claim must analytically separate: first, whether the petitioner introduced competent evidence not contained in the trial record; and second, whether that new evidence, together with the trial record, establishes substantive grounds for relief.
4. Kennedy failed to present evidence sufficient to establish that counsel substantially violated an essential duty or that any alleged deficiency prejudiced him; his speculative assertions, statutory excerpts, an interview excerpt, and unsupported claims did not warrant postconviction relief.

KEY QUOTATIONS

"A petition for postconviction relief is a collateral civil attack on a criminal judgment, not an appeal of the judgment." (§ 11)

"The Blanton Court cautioned, because courts often 'conflate' these two inquiries, the 'better practice is to treat [them] as analytically distinct.'" (§ 14)

FACTUAL BACKGROUND

A Stark County grand jury indicted Kennedy for murder and felonious assault. Following a jury trial, he was convicted of both offenses and sentenced to fifteen years to life for murder; the felonious-assault count merged for sentencing. In his postconviction petition, Kennedy alleged that trial counsel failed to seek a change of venue

or bond reduction, present exculpatory and police-interview evidence, investigate cellular forensic evidence, and seek funds for a digital-forensics expert.

PROCEDURAL HISTORY

Kennedy was indicted for murder and felonious assault, convicted by a jury, and sentenced to fifteen years to life after the counts were merged for sentencing. The Fifth District affirmed his convictions and sentence on direct appeal, and the Ohio Supreme Court declined jurisdiction. Kennedy later filed an application for reopening and then a petition challenging his conviction or sentence, alleging ineffective assistance of trial counsel; the trial court denied relief, and the Fifth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Kennedy, 2025-Ohio-1330 (5th Dist.)
- State v. Kennedy, 2025-Ohio-2537
- State v. Kennedy, 2025-Ohio-5078
- State v. Reynolds, 79 Ohio St. 3d 158, 160 (1997)
- State v. Green, 2015-Ohio-4441, ¶ 10 (5th Dist.)
- State v. Gondor, 2006-Ohio-6679, ¶¶ 45, 52
- State v. Beasley, 2025-Ohio-1599, ¶ 36 (11th Dist.)
- State v. Beechler, 2010-Ohio-1900, ¶ 62 (2d Dist.)
- State v. Lenard, 2020-Ohio-1502, ¶¶ 8, 10 (8th Dist.)
- State v. Steffen, 70 Ohio St. 3d 399, 410 (1994)
- State v. Brown, 2025-Ohio-274, ¶ 37 (8th Dist.)
- State v. Perry, 10 Ohio St. 2d 175, paragraph nine of the syllabus (1967)
- State v. Cole, 2 Ohio St. 3d 112, 113-114 (1982)
- State v. Blanton, 2022-Ohio-3985, ¶¶ 31, 33-34
- State v. Cook, 2022-Ohio-97, ¶ 14 (3d Dist.)
- State v. King, 2022-Ohio-676, ¶ 33