

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT CINCINNATI

Aaron D. Ludwick v. Tim Shoop, Warden, Chillicothe Correctional
Institution

Ludwick v. Shoop, Case No. 1:24-cv-51 · No. 1:24-cv-51 · Decided December 10, 2025

SUMMARY

The United States District Court for the Southern District of Ohio overruled Aaron D. Ludwick’s amended objections and adopted the magistrate judge’s report and recommendations. The court dismissed with prejudice Ludwick’s federal habeas petition challenging his Ohio convictions, rejecting claims of ineffective assistance of trial and appellate counsel, prosecutorial misconduct, and related cumulative error under the AEDPA.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
WRITING FOR THE COURT	Susan J. Dlott
JURISDICTION	United States District Court for the Southern District of Ohio
DECIDED	December 10, 2025
DOCKET	1:24-cv-51
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas corpus proceeding under 28 U.S.C. § 2254. The district court reviewed de novo the portions of the magistrate judge's report and recommendations to which Petitioner objected.
STANDARD OF REVIEW	The district court reviewed the objected-to portions of the report and recommendations de novo under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). The habeas claims were reviewed under AEDPA's deferential standards, including whether the state-court adjudications were contrary to or involved an unreasonable application of clearly established Supreme Court law, or were based on unreasonable factual determinations. State factual findings were presumed correct absent clear and convincing evidence.
PRECEDENTIAL VALUE	unpublished

PARTIES

Aaron D. Ludwick v. Tim Shoop, Warden, Chillicothe Correctional Institution

TOPICS[federal habeas corpus](#)[ineffective assistance](#)[post-conviction relief](#)[criminal procedure](#)[appellate procedure](#)**PRACTICE AREAS**[federal habeas corpus](#)[criminal procedure](#)[post-conviction relief](#)[ineffective assistance](#)[appellate procedure](#)**QUESTIONS PRESENTED**

1. Whether the Ohio courts unreasonably applied *Strickland v. Washington* or unreasonably determined the facts in rejecting Ludwick's ineffective-assistance-of-trial-counsel claim based on counsel's failure to call purported alibi and impeachment witnesses.
2. Whether the Ohio courts unreasonably applied *Strickland* in rejecting Ludwick's ineffective-assistance-of-appellate-counsel claims based on appellate counsel's failure to raise alleged trial-counsel errors involving Detective Antinore and witness Fauber.
3. Whether the Ohio courts unreasonably determined that the prosecution did not knowingly present false testimony in violation of *Napue v. Illinois*.
4. Whether appellate counsel was ineffective for failing to raise alleged prosecutorial misconduct during closing argument when the underlying claim was procedurally defaulted because trial counsel did not object.
5. Whether cumulative error constitutes a cognizable basis for federal habeas relief in this case.

HOLDINGS

1. The state court's rejection of Ludwick's ineffective-assistance claim was not contrary to or an unreasonable application of *Strickland* and was not based on an unreasonable determination of the facts. The proposed witnesses would not have supplied a meaningful alibi or established that the victim committed perjury, and counsel's failure to call them did not warrant habeas relief.
2. The Ohio court of appeals reasonably rejected Ludwick's claim that appellate counsel was ineffective for failing to raise alleged trial-counsel errors concerning impeachment of Detective Antinore and Fauber.
3. The Ohio court's determination that Ludwick failed to establish that Detective Antinore's or Fauber's testimony was false, or that the prosecution knowingly presented false testimony, was not an unreasonable determination of the facts under AEDPA.
4. Ludwick was not entitled to habeas relief on his claim that appellate counsel was ineffective for failing to raise prosecutorial misconduct during closing argument because the underlying claim was procedurally defaulted and Ludwick did not establish an applicable exception.
5. Cumulative error is not a cognizable claim for federal habeas relief in this case.

KEY QUOTATIONS

“A state court’s findings of fact “shall be presumed to be correct” and can be rebutted only by “clear and convincing evidence.”” (2)

“Clearly established federal law is based on the holdings of Supreme Court cases, not the dicta.” (2)

“The Habeas Petition (Doc. 1) is DISMISSED WITH PREJUDICE.” (16)

FACTUAL BACKGROUND

Ludwick was convicted in Ohio of four counts of sexual conduct with a minor under thirteen and one count of sexual conduct with another by force or threat of force involving his daughter. He alleged that trial counsel was ineffective for failing to investigate and present alibi or impeachment witnesses and that appellate counsel was ineffective for omitting several claims, including claims involving alleged false testimony and prosecutorial misconduct. The Ohio courts rejected his claims on the merits or on procedural grounds, and the federal district court concluded that Ludwick failed to show that those decisions were unreasonable under AEDPA.

PROCEDURAL HISTORY

Ludwick filed a petition for a writ of habeas corpus challenging his Ohio convictions for five counts of sexual conduct involving a minor. The magistrate judge recommended dismissal with prejudice. After Ludwick filed amended objections and Respondent filed no response, the district court overruled the objections, adopted the report and recommendations, and dismissed the petition with prejudice.

DISPOSITION

dismissed

CASES CITED

- Williams v. Taylor, 529 U.S. 362, 402-403 (2000)
- White v. Woodall, 572 U.S. 415, 419 (2014)
- Cullen v. Pinholster, 563 U.S. 170, 181, 184, 187 (2011)
- Bray v. Andrews, 640 F.3d 731, 737 (6th Cir. 2011)
- Harrington v. Richter, 562 U.S. 86, 99 (2011)
- Strickland v. Washington, 466 U.S. 668, 689 (1984)
- Hinton v. Ala., 571 U.S. 263, 272-273 (2014)
- Hartman v. Yost, 146 F.4th 463, 473 (6th Cir. 2025)
- Ohio v. Ludwick, 2022-Ohio-2609 (Ohio App. 4th Dist. July 26, 2022)
- Peoples v. Lafler, 734 F.3d 503, 506-507, 514 (6th Cir. 2013)
- Ohio v. Leyh, 166 Ohio St. 3d 365 (2022)
- Davis v. Lambert, 388 F.3d 1052 (7th Cir. Nov. 4, 2004)
- Arita v. United States, 470 F. Supp. 3d 663, 685 (S.D. Tex. June 30, 2020)

- *Napue v. Illinois*, 360 U.S. 264, 269 (1959)
- *Wogenstahl v. Mitchell*, 668 F.3d 307, 323 (6th Cir. 2012)
- *Rosenkrantz v. Lafler*, 568 F.3d 577, 583-584 (6th Cir. 2009)
- *Brooks v. Tennessee*, 626 F.3d 878, 894-895 (6th Cir. 2010)
- *Glossip v. Oklahoma*, 604 U.S. 226 (2025)
- *Dretke v. Haley*, 541 U.S. 386, 393 (2004)
- *Calderon v. Thompson*, 523 U.S. 538 (1998)
- *McQuiggin v. Perkins*, 569 U.S. 383, 392 (2013)

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