

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

State v. Roper

2025-Ohio-5495 · No. 25-COA-016 · Decided December 9, 2025

SUMMARY

The Fifth District Court of Appeals of Ohio affirmed Joshua Roper’s convictions and aggregate 96-month sentence for having weapons under disability and sexual battery. The court held that R.C. 2930.14(B) did not require a separate personal allocution concerning the victim impact statement because the trial court did not rely on new material facts and provided opportunities to respond.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                               |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Ohio Court of Appeals, Fifth Appellate District                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | William B. Hoffman, P.J.; Kevin W. Popham, J.; David M. Gormley, J.                                                                                                                                                                                                                           |
| JURISDICTION          | Ohio Court of Appeals, Fifth Appellate District, Ashland County                                                                                                                                                                                                                               |
| DECIDED               | December 9, 2025                                                                                                                                                                                                                                                                              |
| DOCKET                | 25-COA-016                                                                                                                                                                                                                                                                                    |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Joshua Roper appealed his convictions and aggregate ninety-six-month sentence after pleading guilty to having weapons under disability and sexual battery. He argued that the trial court violated R.C. 2930.14 by failing to allow him to personally respond to the victim impact statement. |
| PRECEDENTIAL VALUE    | Published Ohio Court of Appeals opinion                                                                                                                                                                                                                                                       |
| PARTIES               | Joshua Roper v. State of Ohio                                                                                                                                                                                                                                                                 |

TOPICS

- sentencing
- criminal procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing
- victim rights

QUESTIONS PRESENTED

1. Whether R.C. 2930.14(B) required the trial court to allow Roper personally to respond to the victim impact statement.
2. Whether the trial court was required to continue the sentencing hearing or take other action because the victim impact statement allegedly contained new material facts.

## HOLDINGS

1. R.C. 2930.14(B) does not provide a defendant with a second absolute right of personal allocution beyond the right provided by Crim.R. 32(A)(1). The statute requires an adequate opportunity to respond to new material facts in a victim impact statement, but it does not require the court to ask the defendant personally whether he wishes to respond.
2. The trial court did not violate R.C. 2930.14(B) because it did not rely on new material facts from the victim impact statement when imposing sentence. In any event, the court provided Roper and his counsel multiple opportunities to respond before the sentence became final.

## KEY QUOTATIONS

*“R.C. 2930.14(B) does not provide a second absolute “right of allocution” as suggested by Appellant.” (¶ 12)*

*“It is axiomatic a court of record speaks only through its journal, and not by oral pronouncement, and thus the sentence was not yet final.” (¶ 15)*

## FACTUAL BACKGROUND

On July 12, 2024, Roper engaged in sexual activity with a seventeen-year-old victim while he was on probation. At sentencing, the victim described the continuing effect of the crime on her daily life, and the prosecutor provided the court and defense counsel with a victim impact statement during the hearing. The trial court reviewed the statement, invited defense counsel to address it, and later gave Roper and counsel additional opportunities to speak before the sentence was journalized.

## PROCEDURAL HISTORY

An Ashland County grand jury indicted Roper for having weapons under disability, sexual battery, and rape. Under a plea agreement, he pleaded guilty to the first two charges, and the State dismissed the rape charge. The trial court imposed consecutive sentences totaling ninety-six months. The Ohio Court of Appeals affirmed.

## DISPOSITION

affirmed

## CASES CITED

- State v. Campbell, 90 Ohio St. 3d 320, 738 N.E.2d 1178 (2000)
- State v. Bender, 2025-Ohio-760, ¶ 7 (5th Dist.)
- Schenley v. Kauth, 160 Ohio St. 109, 113 N.E.2d 625 (1953)

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