

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT, DELAWARE
COUNTY

State v. Pegues

2026-Ohio-2072 · No. 25 CAA 10 0088 · Decided June 3, 2026

SUMMARY

The Ohio Fifth District Court of Appeals reversed and remanded Zamere Pegues's sentencing judgment. The court held that aggravated vehicular assault based on OVI and vehicular assault based on recklessness were allied offenses of similar import under R.C. 2941.25 because they arose from the same conduct, involved a single victim, and caused harm that was not separate and identifiable. A dissent would have affirmed the trial court's decision not to merge the offenses.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District, Delaware County
WRITING FOR THE COURT	Robert G. Montgomery; William B. Hoffman; Kevin W. Popham
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Delaware County
DECIDED	June 3, 2026
DOCKET	25 CAA 10 0088
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Zamere Pegues appealed his sentencing judgment after a jury convicted him of aggravated vehicular assault, operating a vehicle under the influence, and vehicular assault. He challenged the trial court's refusal to merge the aggravated vehicular assault and vehicular assault convictions as allied offenses of similar import.
STANDARD OF REVIEW	De novo review of whether offenses merge as allied offenses under R.C. 2941.25.
PRECEDENTIAL VALUE	Published Ohio appellate opinion; precedential within the applicable Ohio appellate framework.
PARTIES	Zamere Pegues v. State of Ohio

TOPICS

- sentencing
- criminal procedure
- double jeopardy
- statutory interpretation
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

sentencing

appellate law

QUESTIONS PRESENTED

1. Whether aggravated vehicular assault based on OVI and vehicular assault based on recklessness are allied offenses of similar import under R.C. 2941.25 when both convictions arise from one course of conduct causing serious physical harm to one victim.
2. Whether the trial court erred by imposing separate convictions and sentences for those offenses despite ordering the sentences to run concurrently.

HOLDINGS

1. Under the specific facts of this case, the aggravated vehicular assault and vehicular assault convictions were allied offenses of similar import because they arose from the same conduct, involved one victim, and caused harm that was not separate and identifiable. The convictions therefore had to merge under R.C. 2941.25.
2. Concurrent sentences do not cure the prejudice caused by separate convictions for allied offenses of similar import; the trial court may not impose a separate sentence for each such offense.

KEY QUOTATIONS

“Essentially, when a defendant's conduct constitutes two or more allied offenses of similar import, a defendant may only be convicted of and punished for one.” (¶ 7)

“Even when, as here, the sentences imposed for allied offenses are ordered to be served concurrently, a defendant is prejudiced by having more convictions than are authorized by law.” (¶ 18)

FACTUAL BACKGROUND

Pegues drove at a high rate of speed, ran a red light, and crashed into a vehicle stopped at an intersection. The collision caused the victim to suffer a broken arm requiring surgery, prolonged pain, scarring, deformity, and nearly a month of missed work. Responding officers detected odors of burnt marijuana and alcohol and observed signs that Pegues was impaired.

PROCEDURAL HISTORY

A Delaware County grand jury indicted Pegues on three counts. After a jury trial, he was convicted on all counts. The trial court merged aggravated vehicular assault and OVI for sentencing, but refused to merge aggravated vehicular assault and vehicular assault; it imposed concurrent prison terms totaling forty-two months. The Fifth District sustained Pegues's sole assignment of error, reversed the judgment, and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Delaware County Court of Common Pleas for resentencing consistent with the opinion, including merger of the aggravated vehicular assault and vehicular assault convictions.

CASES CITED

- State v. Bailey, State v. Bailey, 2022-Ohio-4407
- State v. Williams, 2012-Ohio-5699
- State v. Underwood, 2010-Ohio-1
- State v. Ruff, 2015-Ohio-995
- State v. Ryan, 2012-Ohio-1265
- City of Defiance v. Kretz, 60 Ohio St. 3d 1, 3 (1991)
- City of Akron v. Wanakie Peoples, 2011-Ohio-579
- State v. Harding, 2006-Ohio-481
- State v. Culver, 2005-Ohio-1359
- State v. Jones, 2010-Ohio-2777
- State v. Andera, 2010-Ohio-3304
- State v. Cohen, 2026-Ohio-410
- State v. Phelps, 2010-Ohio-3257
- State v. Griesheimer, 2007-Ohio-837
- State v. Tango, 2015-Ohio-5133
- State v. McKenzie, 2021-Ohio-3170
- State v. Sow, 2019-Ohio-3641
- State v. Smith, 2017-Ohio-537
- State v. Campbell, 2012-Ohio-4231
- State v. Marchak, 2022-Ohio-2611
- State v. Williams, 2016-Ohio-7658