

COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT

State v. Kesman

2025-Ohio-5642 · No. 23AP-184; 23AP-713 · Decided December 18, 2025

SUMMARY

The Ohio Tenth District Court of Appeals affirmed Jeffrey A. Kesman, Sr.’s convictions for four counts of child endangering and the denial of his motion for a new trial based on newly discovered evidence. The court addressed the sufficiency and credibility of evidence concerning alleged child confinement, deprivation, and abuse, as well as whether evidence of contact between two witnesses and prosecutorial communications regarding a protection-order case warranted a new trial.

CASE DETAILS

COURT	Court of Appeals of Ohio, Tenth Appellate District
WRITING FOR THE COURT	Dingus, J.; Jamison, P.J.; Beatty Blunt, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	December 18, 2025
DOCKET	23AP-184; 23AP-713
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jeffrey Kesman appealed his municipal-court convictions for four counts of endangering children and the denial of his motion for a new trial based on allegedly suppressed Brady and Giglio evidence and other newly discovered evidence.
STANDARD OF REVIEW	Manifest-weight claims are reviewed to determine whether the factfinder clearly lost its way and created a manifest miscarriage of justice; the trial court's denial of a new-trial motion based on newly discovered evidence is ordinarily reviewed for abuse of discretion; alleged Brady suppression claims receive de novo review of the legal application while factual findings receive deference.
PRECEDENTIAL VALUE	Published and precedential Ohio Court of Appeals decision
PARTIES	Jeffrey A. Kesman, Sr. v. State of Ohio

TOPICS

- criminal procedure
- evidence
- appellate procedure
- standard of review
- harmless error

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

evidence

QUESTIONS PRESENTED

1. Whether Jeffrey Kesman's convictions for endangering children were against the manifest weight of the evidence.
2. Whether the state violated *Brady v. Maryland* and *Giglio v. United States* by failing to disclose evidence concerning contact between two victims and a prosecutor's actions in connection with one victim's separate criminal case.
3. Whether the trial court abused its discretion by denying a motion for a new trial based on testimony that two victims coordinated their trial testimony.

HOLDINGS

1. The convictions were not against the manifest weight of the evidence because the trial court did not clearly lose its way in crediting material portions of the victims' testimony and rejecting Kesman's account.
2. The alleged suppression did not violate due process because, considered individually and cumulatively, the undisclosed evidence was not sufficiently material to undermine confidence in the verdict.
3. The trial court properly denied the motion for a new trial because the new testimony did not establish a strong probability that a new trial would produce a different result and instead largely confirmed the victims' trial accounts.

KEY QUOTATIONS

“A manifest-weight challenge can succeed “ ‘only in the exceptional case in which the evidence weighs heavily against the conviction.’ ”” (¶ 39)

“A different result is reasonably probable if “the favorable evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict.”” (¶ 49)

“Having overruled Jeffrey’s three assignments of error, we affirm the judgment of the Franklin County Municipal Court.” (¶ 76)

FACTUAL BACKGROUND

Police and child-services personnel removed children from the Kesman residence in April 2020 after receiving allegations that three children had been confined, deprived of food and basic necessities, denied education and medical care, and physically abused. Medical and testimonial evidence indicated malnutrition and substantial deprivation, although the defense presented contrary testimony and argued that the children fabricated their allegations. The state charged Jeffrey with multiple misdemeanors, and the municipal court ultimately convicted him of four counts of endangering children.

PROCEDURAL HISTORY

The Franklin County Municipal Court dismissed or amended several charges after the parties addressed the statute of limitations, and it denied a motion to suppress evidence seized from the residence. After a bench trial, the court acquitted Kesman of domestic violence and assault but convicted him of four counts of endangering children, merged one count, and imposed three consecutive 180-day jail terms. While the direct appeal was pending, the trial court denied a motion for a new trial based on alleged undisclosed contact between two victims, prosecutorial activity concerning one victim's separate case, and alleged coordination of testimony. The appellate court consolidated the appeals and affirmed both judgments.

DISPOSITION

affirmed

CASES CITED

- State v. Thompson, 1997-Ohio-52, ¶ 25
- State v. Martin, 20 Ohio App.3d 172, 175 (1st Dist. 1983)
- State v. McGee, 1997-Ohio-156, syllabus
- State v. Scott, 2019-Ohio-4175, ¶ 16 (10th Dist.)
- State v. Antill, 176 Ohio St. 61, 67 (1964)
- State v. Rankin, 2011-Ohio-5131, ¶ 29 (10th Dist.)
- Brady v. Maryland, 373 U.S. 83, 87 (1963)
- Giglio v. United States, 405 U.S. 150, 154 (1972)
- State v. McNeal, 2022-Ohio-2703, ¶ 13
- State v. Hawkins, 66 Ohio St.3d 399, 350 (1993)
- State v. Johnston, 39 Ohio St. 3d 48, 60 (1988)
- State v. Walker, 2022-Ohio-1684, ¶ 33 (10th Dist.)
- United States v. Bagley, 473 U.S. 667, 676, 682-683 (1985)
- Kyles v. Whitley, 514 U.S. 419, 435-439 (1995)
- United States v. Agurs, 427 U.S. 97, 109-112 (1976)
- State v. Iacona, 2001-Ohio-1292, paragraph two of the syllabus
- State v. Hessler, 2002-Ohio-3321, ¶¶ 53-54 (10th Dist.)
- State v. Hill, 2023-Ohio-1954, ¶ 34 (10th Dist.)
- United States v. Abel, 469 U.S. 45, 51-52 (1984)
- State v. Drummond, 2006-Ohio-5084, ¶ 104
- State v. Hector, 19 Ohio St.2d 167, 178 (1969)
- State v. Gavin, 51 Ohio App.2d 49, 54 (8th Dist. 1977)
- State v. Geeslin, 2007-Ohio-5239, ¶ 14
- State v. Spence, 2006-Ohio-6257, ¶ 83 (10th Dist.)
- Motorists Mut. Ins. Co. v. Vance, 21 Ohio App.3d 205 (10th Dist. 1985), paragraph one of the syllabus

- State v. Bethel, 2022-Ohio-783, ¶¶ 34, 40
- State v. Grad, 2024-Ohio-5710, ¶ 38
- AAAA Ents., Inc. v. River Place Community Urban Redevelopment Corp., 50 Ohio St.3d 157, 161 (1990)
- Taylor v. Ross, 150 Ohio St. 448, 452 (1948)
- Dayton v. Martin, 43 Ohio App.3d 87, 90 (2d Dist. 1987)

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