

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT, CLARK COUNTY

State v. Boyer

2026-Ohio-2425 · No. 2025-CA-69 · Decided June 26, 2026

SUMMARY

The Ohio Second District Court of Appeals affirmed Brayden Boyer’s convictions and aggregate 20-to-23-year prison sentence arising from multiple felony cases resolved through a plea agreement. The court held that the agreed sentences were not subject to merger as allied offenses of similar import because the offenses involved separate victims and were of dissimilar import. The court also rejected Boyer’s argument that the trial court failed to consider the felony-sentencing purposes and factors under Ohio Revised Code sections 2929.11 and 2929.12.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Clark County
WRITING FOR THE COURT	Mary K. Huffman, J.; William B. Lewis, P.J.; Hanser, J.
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Clark County
DECIDED	June 26, 2026
DOCKET	2025-CA-69
DISPOSITION	affirmed
PROCEDURAL POSTURE	Boyer pleaded guilty pursuant to a global plea agreement covering multiple felony cases, received agreed sentences totaling 20 to 23 years, and appealed his convictions and sentences as contrary to law.
STANDARD OF REVIEW	The allied-offenses merger determination is reviewed de novo, but failure to raise merger in the trial court is reviewed for plain error. The court applied the plain-error standard because Boyer did not object below. Sentences imposed pursuant to a jointly recommended agreement are generally not reviewable under R.C. 2953.08(D)(1) when authorized by law, although the court did not resolve that issue because the State forfeited the argument by not raising it.
PRECEDENTIAL VALUE	Published and precedential Ohio Court of Appeals opinion
PARTIES	Brayden Boyer v. State of Ohio

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Boyer's jointly agreed sentences were appealable under R.C. 2953.08(D)(1).
2. Whether discharge of a firearm on or near prohibited premises and felonious assault were allied offenses of similar import requiring merger under R.C. 2941.25.
3. Whether the trial court's felony sentences were contrary to law because the court allegedly failed to consider the purposes and principles of sentencing under R.C. 2929.11 and the seriousness and recidivism factors under R.C. 2929.12.

HOLDINGS

1. The court did not decide whether R.C. 2953.08(D)(1) independently barred the appeal because the State forfeited that argument by failing to raise it. The court proceeded to address Boyer's substantive assignments of error.
2. The offenses were not allied offenses of similar import and did not require merger because they were of dissimilar import. The firearm-discharge offense protects the public and prohibits firing upon or over a public road or highway, while felonious assault requires physical harm or an attempt to cause physical harm to a particular person.
3. Boyer's felony sentences were not contrary to law because the record, including the sentencing entries, demonstrated consideration of R.C. 2929.11 and R.C. 2929.12; the statutes do not require specific fact-findings on the record.

KEY QUOTATIONS

“The Ohio Supreme Court has held that “a sentence is ‘authorized by law’ and is not appealable within the meaning of R.C. 2953.08(D)(1) only if it comports with all mandatory sentencing provisions.”” (¶ 12)

“The offense can be completed with no one remotely near the location where the firearm is discharged upon or over the public road or highway.” (¶ 24)

“It is enough that the record demonstrates that the trial court considered R.C. 2929.11 and R.C. 2929.12 prior to imposing its sentence.” (¶ 30)

FACTUAL BACKGROUND

Boyer pleaded guilty pursuant to a global agreement to domestic violence, complicity to aggravated burglary, discharge of a firearm on or near prohibited premises, felonious assault, and firearm specifications. The latter two offenses arose from a drive-by shooting in which Boyer fired toward a residence from a vehicle; several people were in a vehicle outside the home, and a child inside was struck in the arm and seriously injured. The

agreed sentences totaled 20 to 23 years, with the sentences for the discharge and felonious-assault offenses to run consecutively.

PROCEDURAL HISTORY

Boyer was indicted in multiple Clark County felony cases arising from domestic violence, firearm, aggravated-burglary, and drive-by-shooting conduct. The parties entered a plea agreement under which Boyer pleaded guilty to specified offenses and firearm specifications, agreed to consecutive sentences on the offenses in Case No. 24-CR-0931, and agreed to testify truthfully against another participant. After Boyer testified, the common pleas court imposed the agreed sentences and dismissed the remaining charges. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Brabson, 2023-Ohio-449, ¶ 6 (8th Dist.)
- State v. Grevious, 2022-Ohio-4361, ¶ 32
- State v. Underwood, 2010-Ohio-1, ¶¶ 19, 22, 27, 29
- State v. Conner, 2023-Ohio-1220, ¶ 36 (8th Dist.)
- State v. Porterfield, 2005-Ohio-3095, ¶ 25
- State v. Gwynne, 2019-Ohio-4761, ¶¶ 2, 11-12
- State v. Ruff, 2015-Ohio-995, ¶¶ 10, 23, 25-26
- State v. Whitfield, 2010-Ohio-2, ¶ 17
- State v. Hess, 2023-Ohio-3658, ¶¶ 9, 11 (2d Dist.)
- State v. Williams, 2018-Ohio-1647, ¶¶ 23-24 (2d Dist.)
- State v. James, 2015-Ohio-4987, ¶ 33 (8th Dist.)
- State v. Davis, 2025-Ohio-1676, ¶¶ 37-38 (2d Dist.)
- State v. Davison, 2021-Ohio-728, ¶¶ 33-34 (2d Dist.)
- State v. Frazier, 2021-Ohio-4155, ¶ 20 (2d Dist.)
- State v. Bailey, State v. Bailey, 2022-Ohio-4407, ¶¶ 6, 8
- State v. Rogers, 2015-Ohio-2459, ¶ 22
- State v. Echols, 2024-Ohio-5088, ¶ 50
- State v. Bryant, 2024-Ohio-1192, ¶ 33 (2d Dist.)
- State v. Trent, 2021-Ohio-3698, ¶ 15
- State v. Youngblood, 2025-Ohio-2794, ¶ 17 (2d Dist.)
- State v. Goldblum, 2014-Ohio-5068, ¶ 50 (2d Dist.)
- State v. Seiker, 2026-Ohio-1073, ¶ 11 (2d Dist.)
- State v. Moore, 2024-Ohio-5839 (2d Dist.)

