

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

State v. Oliver

2025-Ohio-5856 · No. 114983 · Decided December 29, 2025

SUMMARY

The Ohio Eighth District Court of Appeals affirmed Gary K. Oliver’s convictions and sentence arising from the shooting death of Tiffany Greer, the unlawful termination of her pregnancy, and injuries to Marquise Clark. The court held that sufficient evidence supported Oliver’s convictions under a complicity theory, including aggravated murder and having weapons while under disability, and rejected his manifest-weight, jury-instruction, and prosecutorial-misconduct arguments.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Michael John Ryan, J.; Eileen T. Gallagher, P.J.; William A. Klatt, J., sitting by assignment
JURISDICTION	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
DECIDED	December 29, 2025
DOCKET	114983
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his jury convictions and sentence for aggravated murder, murder, attempted murder, felonious assault, and having weapons while under disability, including firearm specifications.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed to determine whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements beyond a reasonable doubt. Manifest-weight review considers the entire record, reasonable inferences, and witness credibility to determine whether the jury clearly lost its way and created a manifest miscarriage of justice. Unobjected-to jury-instruction and prosecutorial-misconduct claims are reviewed for plain error, requiring a showing that the outcome clearly would have been different absent the alleged error. Jury instructions are reviewed as a whole, and trial courts have broad discretion in determining whether a particular instruction is warranted.

PRECEDENTIAL VALUE	Published
PARTIES	Gary K. Oliver v. State of Ohio

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether sufficient evidence supported Oliver's convictions under a theory that he aided and abetted the shooting and resulting offenses.
2. Whether the evidence was against the manifest weight of the evidence.
3. Whether the trial court committed plain error by giving one general complicity instruction before instructing on the individual counts rather than repeating the complicity instruction for each offense.
4. Whether the State committed prosecutorial misconduct and plain error by allegedly shifting the burden to Oliver during closing argument.
5. Whether sufficient evidence supported the aggravated-murder element of prior calculation and design.
6. Whether sufficient evidence supported the conviction for having weapons while under disability even though no firearm was recovered and Oliver was allegedly not the shooter.

HOLDINGS

1. The evidence was sufficient for a rational jury to find that Oliver aided and abetted the shooting, shared the criminal intent required for the offenses, and was more than a mere bystander.
2. The evidence was sufficient to establish prior calculation and design for aggravated murder, and because Oliver was complicit in the shooting, the evidence supported finding that he also acted with prior calculation and design.
3. The weapons-under-disability conviction was supported by sufficient evidence even though no firearm was recovered, and a defendant may be convicted under a complicity theory for constructively possessing a weapon through an accomplice while subject to the defendant's own disability.
4. The trial court did not commit plain error by giving one general complicity instruction before the instructions on the individual counts because the instruction required proof that Oliver shared the principal offender's criminal intent and the count-specific culpable mental states immediately followed.
5. The prosecutor's closing-argument statement did not constitute prejudicial misconduct or plain error because, viewed in context, it argued that the evidence showed Oliver was not a mere bystander rather than placing the burden of proof on him.

KEY QUOTATIONS

“A person is guilty of complicity if that person aids or abets another in committing an offense while acting with the kind of culpability required for the commission of an offense.”

“The mere presence of the defendant at the scene of the offense is not sufficient to prove in and of itself that the defendant was an aider and abettor.”

“There is no bright-line test for determining whether a defendant’s actions show a premeditated decision or studied consideration to kill — each case turns on its own facts.”

“The jurors would have understood that they should apply the requisite mental state to the complicity charge.”

FACTUAL BACKGROUND

Oliver arranged through Instagram to purchase an unusually large quantity of marijuana from Marquise Clark and directed Clark to meet at a location different from their usual meeting place. When Clark arrived with Tiffany Greer, Oliver approached the driver's side of the vehicle, appeared to signal to two armed men, and remained present while they approached the passenger side and fired multiple shots. Greer was killed and her approximately 15- to 16-week pregnancy was terminated; Clark was shot and wounded. Surveillance video showed Oliver with the two other men before and after the shooting, and evidence included Oliver's fingerprints on the vehicle, his DNA on a weapons laser found at the scene, and testimony that he possessed a firearm with a green beam.

PROCEDURAL HISTORY

Oliver was charged in a 13-count indictment in the Cuyahoga County Court of Common Pleas. Following a jury trial, he was convicted on all counts and specifications; certain counts were merged for sentencing, and the trial court imposed a life sentence with parole eligibility after 40 to 42 years. The Eighth District Court of Appeals overruled all four assignments of error and affirmed, remanding only for execution of the sentence.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The case was remanded to the trial court for execution of the sentence; bail pending appeal was terminated.

CASES CITED

- State v. Parker, 2022-Ohio-1237, ¶ 7 (8th Dist.)
- State v. Thompkins, 78 Ohio St.3d 380, 386-387 (1997)
- State v. Jenks, 61 Ohio St.3d 259 (1991)
- State v. Crosby, 2018-Ohio-3793, ¶ 12 (8th Dist.)
- State v. Moore, 2004-Ohio-2320, ¶ 26 (7th Dist.)
- State v. Jackson, 2025-Ohio-109, ¶ 29

- State v. McFarland, 2020-Ohio-3343, ¶¶ 27-29
- State v. Wilborn, 2024-Ohio-5003, ¶ 43
- State v. Johnson, 93 Ohio St.3d 240, 243 (2001)
- State v. Shabazz, 2014-Ohio-1828 (8th Dist.)
- Rosemond v. United States, 572 U.S. 65 (2014)
- State v. Clark, 2025-Ohio-5342, ¶¶ 21-22, 41
- State v. Maxwell, 2014-Ohio-1019, ¶ 148
- State v. Cotton, 56 Ohio St.2d 8 (1978)
- State v. Jackson, 2000 Ohio App. LEXIS 133, *6 (8th Dist. Jan. 20, 2000)
- State v. Robbins, 58 Ohio St.2d 74 (1979)
- State v. Coley, 93 Ohio St.3d 253, 264 (2001)
- State v. Walker, 2014-Ohio-1827 (8th Dist.)
- State v. Taylor, 78 Ohio St.3d 15, 19 (1997)
- State v. Jenkins, 48 Ohio App.2d 99, 102 (8th Dist. 1976)
- State v. White, 2008-Ohio-6152 (8th Dist.)
- State v. Freeman, 2020-Ohio-3381 (10th Dist.)
- State v. Adams, 2010-Ohio-4478, ¶ 21 (8th Dist.)
- State v. Glass, 2025-Ohio-4670, ¶ 41 (8th Dist.)
- State v. Rogers, 2015-Ohio-2459, ¶ 3
- State v. Shepherd, 2016-Ohio-931, ¶ 25
- State v. McKibbin, 2002-Ohio-2041, ¶ 27 (1st Dist.)
- State v. Schaeffer, 2015-Ohio-3531, ¶ 77 (3d Dist.)
- State v. Noor, 2014-Ohio-3397, ¶¶ 36-55 (10th Dist.)
- State v. Mincey, 2018-Ohio-662, ¶¶ 31-32 (1st Dist.)
- State v. Price, 60 Ohio St.2d 136 (1979)
- State v. Griffin, 2014-Ohio-4767
- State v. Williams, 2003-Ohio-4164, ¶ 44
- State v. Smith, 14 Ohio St.3d 13 (1984)
- State v. Newman, 2020-Ohio-658, ¶ 8 (8th Dist.)
- State v. White, 82 Ohio St.3d 16 (1998)
- State v. Kirkland, 2020-Ohio-4079, ¶ 117
- State v. Welch, 2010-Ohio-1206, ¶ 28 (8th Dist.)
- State v. Craig, 2011-Ohio-206, ¶ 25 (8th Dist.)
- State v. Williams, 23 Ohio St.3d 16 (1986)
- State v. Martin, 20 Ohio App.3d 172 (1st Dist. 1983)

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