

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

State v. Morgan

2025-Ohio-5510 · No. No. 114650 · Decided December 11, 2025

SUMMARY

The Ohio Eighth District Court of Appeals affirmed Seth J. Morgan’s conviction for substantial-impairment rape. The court rejected challenges concerning joinder and severance of counts, disclosure and review of statements under Crim.R. 14, sufficiency of the evidence, and the use of the term “survivor” during trial. A separate opinion concurring in judgment only concluded that certain trial-court errors occurred but were harmless.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Lisa B. Forbes; Eileen A. Gallagher; Anita Laster Mays
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	December 11, 2025
DOCKET	No. 114650
DISPOSITION	affirmed
PROCEDURAL POSTURE	Morgan appealed his jury convictions for substantial-impairment rape arising from one of two charged incidents. He challenged joinder of the charges, the trial court's handling of his motion to sever and the State's recorded statements, the sufficiency of the evidence, and the use of the term "survivor."
STANDARD OF REVIEW	The denial of a motion to sever is reviewed for abuse of discretion. 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 find the essential elements beyond a reasonable doubt. Unpreserved error is reviewed for plain error, and nonprejudicial error is disregarded under Crim.R. 52(A).
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Seth J. Morgan v. State of Ohio

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Morgan's motion to sever the charges involving L.D. from those involving D.S.
2. Whether the trial court committed prejudicial error under Crim.R. 14 by failing to inspect Morgan's recorded statements or hold a hearing before ruling on the motion to sever.
3. Whether sufficient evidence supported Morgan's conviction for substantial-impairment rape under R.C. 2907.02(A)(1)(c).
4. Whether the trial court committed reversible or plain error by permitting use of the term "survivor" by a witness and in reading a juror's question referring to D.S. as "the survivor."

HOLDINGS

1. The trial court did not abuse its discretion by denying Morgan's motion to sever the counts involving two different victims because the evidence was presented in a simple and direct manner that allowed the jury to segregate the proof for each offense.
2. The court did not need to decide whether the trial court violated Crim.R. 14 by failing to inspect Morgan's recorded statements or hold a hearing because Morgan failed to demonstrate prejudice; any error was harmless.
3. Sufficient evidence supported Morgan's conviction under R.C. 2907.02(A)(1)(c).
4. The trial court did not commit reversible error by overruling an objection to a witness's generic use of the term "survivor," and Morgan failed to establish plain error from the court's reading of a juror question that referred to D.S. as "the survivor."

KEY QUOTATIONS

"Evidence is 'simple and direct' if the trier of fact is capable of segregating the proof required for each offense." (Assignment of Error No. 1)

"The relevant inquiry in a sufficiency challenge is whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime existed beyond a reasonable doubt." (Assignment of Error No. 3)

"To prevail under a plain error analysis, the appellant bears the burden of demonstrating, but for the error, the outcome of the trial would clearly have been different." (Assignment of Error No. 4)

FACTUAL BACKGROUND

Morgan was charged with four rape counts arising from separate incidents involving L.D. in November 2023 and D.S. in July 2022. The evidence concerning D.S. showed that she consumed alcohol, became highly intoxicated and vomited, was unable to stand without assistance, and was driven by Morgan to his home. She awoke naked in Morgan's bed, and DNA testing identified Morgan's DNA in vaginal samples collected during a rape-kit examination. The jury acquitted Morgan of the L.D. charges and convicted him of the substantial-impairment and forcible-rape charges involving D.S.

PROCEDURAL HISTORY

Morgan was indicted on four rape counts involving two different victims and sexually violent predator specifications. The trial court denied his motion to sever the counts, and a jury found him not guilty of the two counts involving L.D. but guilty of the two counts involving D.S.; the court found him not guilty of all specifications. The trial court merged the two D.S. counts for sentencing, sentenced Morgan to five to 7.5 years in prison, and required Tier III sex-offender registration. The Court of Appeals affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The common pleas court was directed to execute the affirmed judgment and sentence. The court issued a special mandate, and bail pending appeal was terminated.

CASES CITED

- State v. Torres, 66 Ohio St.2d 340, 343 (1981)
- Abdullah v. Johnson, 2021-Ohio-3304, ¶ 35
- W.A.F.P., Inc. v. Sky Fuel Inc., 2024-Ohio-3297, ¶ 13
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- State v. Lott, 51 Ohio St.3d 160, 163 (1990)
- State v. T.R., 2024-Ohio-3010, ¶ 49 (8th Dist.)
- State v. Jackson, 2024-Ohio-958, ¶ 38
- State v. Echols, 2015-Ohio-5138, ¶ 16 (8th Dist.)
- State v. Knox, 2019-Ohio-1246, ¶ 47 (8th Dist.)
- Torres v. Concrete Designs, Inc., 2019-Ohio-1342, ¶ 18 (8th Dist.)
- State v. Harris, 2015-Ohio-166, ¶ 37
- State v. Parker, 2022-Ohio-1237, ¶ 7
- State v. Thompkins, 78 Ohio St.3d 380, 386 (1997)
- State v. Jenks, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus
- State v. Starks, 2009-Ohio-3375, ¶ 25
- State v. Baldwin, 2024-Ohio-6177, ¶ 7 (8th Dist.)

- State v. Jackson, 2023-Ohio-455, ¶ 30 (8th Dist.)
- State v. Madden, 2017-Ohio-8894, ¶ 32 (10th Dist.)
- State v. Fisher, 2003-Ohio-2761, ¶ 29
- State v. Rogers, 2015-Ohio-2459, ¶ 3
- State v. Payne, 2007-Ohio-4642, ¶ 17
- State v. Morris, 2014-Ohio-5052, ¶ 25
- State v. Moss, 2003-Ohio-743, ¶ 15 (8th Dist.)
- State v. Williams, 2017-Ohio-5598, ¶ 49 (10th Dist.)
- State v. Siller, 2003-Ohio-1948, ¶ 41 (8th Dist.)
- State v. Barnes, 94 Ohio St.3d 21, 27 (2002)
- State v. Almedom, 2016-Ohio-1553, ¶ 2 (10th Dist.)
- State v. Snowden, 2019-Ohio-3006 (2d Dist.)
- State v. McKillips, 1981 Ohio App. LEXIS 13288, *8 (6th Dist. May 1, 1981)
- State v. Schaim, 65 Ohio St.3d 51, 51 (1992)