

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

State v. Gunnels

2025-Ohio-5757 · No. 114896 · Decided December 24, 2025

SUMMARY

The Eighth District Court of Appeals affirmed the revocation of Cornelius Gunnels’s community control and the imposition of a six-month prison term. The court held that the trial court did not violate Gunnels’s due-process rights by limiting cross-examination at the community-control violation hearing or by denying allocution. It also held that residing with the protected victim in violation of a specifically tailored no-contact order was a nontechnical violation, so the statutory 90-day limitation did not apply.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Lisa B. Forbes, Presiding Judge; Sean C. Gallagher, Judge; Anita Laster Mays, Judge
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	December 24, 2025
DOCKET	114896
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cornelius Gunnels appealed from the Cuyahoga County Court of Common Pleas order revoking his community control and imposing a six-month prison term after finding that he violated a no-contact condition by residing with the protected victim.
STANDARD OF REVIEW	A trial court’s determination to revoke community control is reviewed for abuse of discretion. Whether the defendant received the due-process protections required at a revocation hearing is also reviewed in the context of whether the trial court abused its discretion or acted contrary to law. The existence of substantial evidence is sufficient to establish a community-control violation; proof beyond a reasonable doubt is not required.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion

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QUESTIONS PRESENTED

1. Whether the trial court violated Gunnels's due-process rights or abused its discretion by limiting cross-examination of the victim to whether Gunnels had physical contact with or resided at her home during the period covered by the no-contact order.
2. Whether the trial court denied Gunnels the right of allocution before imposing a sentence for the community-control violation.
3. Whether Gunnels's violation of the no-contact condition was a technical violation subject to the statutory limitation on sanctions for technical violations.

HOLDINGS

1. The trial court did not abuse its discretion or violate due process by limiting cross-examination to the dispositive issue of whether Gunnels had physical contact with or resided at the victim's home while the no-contact order was in effect, and by excluding inquiry into text messages that the court did not rely on to find a violation.
2. The trial court did not deny Gunnels his right of allocution because the sentencing transcript showed that the court addressed him directly and gave him an opportunity to speak before imposing the six-month prison term.
3. Gunnels's violation was nontechnical because residing with the victim while subject to a no-contact order violated a condition specifically tailored to address the criminal conduct underlying his community control. Accordingly, the statutory 90-day maximum applicable to a technical violation did not limit the six-month prison sanction.

KEY QUOTATIONS

"A community-control revocation hearing is not a criminal trial, however; therefore, the State is not required to establish a violation of the terms of community control beyond a reasonable doubt." (Section II.A)

"Considering the totality of the circumstances, we conclude that Gunnels's conduct, which consisted of living with the victim while subject to a no-contact order, did not constitute a mere technical violation of his community control." (Section II.B)

FACTUAL BACKGROUND

Gunnels pleaded guilty to violating a protection order involving the victim and was placed on one year of community control with a no-contact condition. During the supervision period, the victim reported that Gunnels had been living with her, and she testified that he stayed at her home intermittently from September 2024 through January 2025. The trial court found that this conduct violated the no-contact condition, revoked community control, and imposed a six-month prison term.

PROCEDURAL HISTORY

Gunnels pleaded guilty to violating a protection order and received one year of community control conditioned on no contact with the victim. After a violation hearing, the trial court found that he had lived with the victim during the period of community control, revoked community control, and imposed a six-month prison term. The Eighth District affirmed, overruling assignments of error concerning cross-examination, allocution, and the classification of the violation as technical.

DISPOSITION

affirmed

CASES CITED

- State v. Patton, 2016-Ohio-4867, ¶ 8 (8th Dist.)
- State v. Greene, 2018-Ohio-1965, ¶ 16 (8th Dist.)
- State v. Bailey, 2016-Ohio-494, ¶ 9 (8th Dist.)
- Gagnon v. Scarpelli, 411 U.S. 778, 781 (1973)
- State v. Solomon, 2019-Ohio-1841, ¶ 9 (11th Dist.)
- State v. Dockery, 2010-Ohio-2365, ¶ 10 (1st Dist.)
- State v. Davis, 2010-Ohio-5126, ¶ 26 (8th Dist.)
- State v. Miller, 42 Ohio St.2d 102, 104 (1975)
- State v. Reese, 2020-Ohio-4747, ¶ 21
- State v. Cox, 2018-Ohio-748, ¶ 16
- State v. Davis, 2017-Ohio-8873, ¶ 14 (8th Dist.)
- Consol. Edison Co. v. NLRB, 305 U.S. 197, 229 (1938)
- Our Place, Inc. v. Ohio Liquor Control Comm., 63 Ohio St.3d 570, 571 (1992)
- State v. Williams, 2025-Ohio-461, ¶ 9 (8th Dist.)
- W.A.F.P., Inc. v. Sky Fuel Inc., 2024-Ohio-3297, ¶ 13
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- Johnson v. Abdullah, 2021-Ohio-3304, ¶ 35
- State v. Jackson, 2016-Ohio-8127, ¶¶ 1, 15
- State v. Canada, 2015-Ohio-2167, ¶ 55 (10th Dist.)
- State v. Nelson, 2020-Ohio-3690, ¶ 26
- State v. Davis, 2018-Ohio-2672, ¶¶ 17-18 (12th Dist.)

