

OHIO FIFTH DISTRICT COURT OF APPEALS

State v. Hammond

2026-Ohio-1258 · No. 25CA000031 · Decided April 6, 2026

SUMMARY

The Ohio Fifth District Court of Appeals affirmed Clay Hammond’s conviction and five-year community-control sentence for unlawful sexual conduct with a minor. The court rejected challenges under Criminal Rule 11 and to the prohibition on medical-marijuana use as a community-control condition, granted appellate counsel’s Anders motion to withdraw, and found no potentially meritorious appellate claims.

CASE DETAILS

COURT	Ohio Fifth District Court of Appeals
WRITING FOR THE COURT	William B. Hoffman; Andrew J. King; David M. Gormley
JURISDICTION	Ohio Fifth District Court of Appeals
DECIDED	April 6, 2026
DOCKET	25CA000031
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hammond appealed from a judgment of the Guernsey County Court of Common Pleas entered after his guilty plea to unlawful sexual conduct with a minor and the imposition of five years of community control. Appellate counsel moved to withdraw and filed an Anders brief asserting that the appeal was wholly frivolous.
STANDARD OF REVIEW	The court independently reviewed the record under Anders to determine whether any arguably meritorious appellate issue existed. The agreed sentence was not reviewable under R.C. 2953.08(D)(1) because it was authorized by law, jointly recommended, and imposed by a sentencing judge. The marijuana prohibition was reviewed for abuse of discretion because the condition was expressly authorized by statute.
PRECEDENTIAL VALUE	Published Ohio Fifth District Court of Appeals opinion
PARTIES	Clay A. Hammond v. State of Ohio

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QUESTIONS PRESENTED

1. Whether the trial court erred in accepting Hammond's guilty plea under Ohio Criminal Rule 11.
2. Whether Hammond's jointly recommended, legally authorized sentence was reviewable on appeal under R.C. 2953.08(D)(1).
3. Whether the trial court abused its discretion by prohibiting Hammond from using medical marijuana as a condition of community control.
4. Whether the appeal contained any arguably meritorious issue under *Anders v. California*.

HOLDINGS

1. The trial court did not err in accepting Hammond's guilty plea because the plea hearing included the complete colloquy required by Criminal Rule 11.
2. The five-year community-control sentence was not subject to appellate review under R.C. 2953.08(D)(1) because it was authorized by law, jointly recommended by the parties, and imposed by a sentencing judge.
3. The trial court did not abuse its discretion by prohibiting Hammond from using medical marijuana as a condition of community control because drug and alcohol use monitoring, including random drug testing, is expressly authorized by R.C. 2929.17(H).
4. The appeal was wholly frivolous because independent review disclosed no arguably meritorious claim; counsel's motion to withdraw was granted and the judgment was affirmed.

KEY QUOTATIONS

“A sentence imposed upon a defendant is not subject to review under this section if the sentence is authorized by law, has been recommended jointly by the defendant and the prosecution in the case, and is imposed by a sentencing judge.” (¶ 7)

“We find the trial court did not abuse its discretion in imposing a prohibition on Appellant’s use of medical marijuana as a condition of community control, as the condition is expressly allowed by statute.” (¶ 8)

FACTUAL BACKGROUND

Hammond was twenty-nine and engaged in sexual conduct with a fifteen-year-old victim between October 7 and October 9, 2024. He met the victim while they both worked at a McDonald's restaurant in Cambridge, Ohio. Pursuant to a plea agreement, the State removed the allegation that Hammond was more than ten years older than the victim, reducing the charge from a third-degree to a fourth-degree felony. The trial court imposed five years of community control, including a prohibition on marijuana use despite Hammond's medical marijuana card.

PROCEDURAL HISTORY

A Guernsey County grand jury indicted Hammond for unlawful sexual conduct with a minor, initially charging the offense as a third-degree felony based on an allegation that he was more than ten years older than the victim. Under a negotiated plea agreement, the State dismissed that age allegation, Hammond pleaded guilty to the amended fourth-degree-felony charge, and the parties jointly recommended five years of community control. The trial court accepted the plea, imposed the agreed sentence, and prohibited Hammond from using marijuana as a condition of community control. The Fifth District independently reviewed the record under Anders, granted counsel's motion to withdraw, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- State v. Talty, 103 Ohio St. 3d 177, 180
- State v. Lynn, 2023-Ohio-4429 (5th Dist.)
- State v. Ballish, 2026-Ohio-503, ¶¶ 24, 28

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