

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

State v. Gilmore

2026-Ohio-577 (8th Dist. 2026) · No. 115243 · Decided February 19, 2026

SUMMARY

The Ohio Eighth District Court of Appeals reviewed Christopher Gilmore’s convictions for having weapons while under disability and improperly handling firearms in a motor vehicle. The court rejected his manifest-weight challenge, concluding that the trial court did not clearly lose its way in evaluating the evidence and witness credibility. It sustained his challenge to a no-contact order because the trial court imposed the order alongside prison terms, and vacated the order while affirming the remaining convictions and sentences.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Michelle J. Sheehan, Administrative Judge; Sean C. Gallagher, Judge; Deena R. Calabrese, Judge
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	February 19, 2026
DOCKET	115243
DISPOSITION	other
PROCEDURAL POSTURE	Criminal appeal from convictions and sentences entered after a bench trial in the Cuyahoga County Court of Common Pleas.
STANDARD OF REVIEW	For a manifest-weight challenge, the appellate court weighs the evidence and reasonable inferences, considers witness credibility, and determines whether the factfinder clearly lost its way and created a manifest miscarriage of justice. Reversal is appropriate only in the exceptional case in which the evidence weighs heavily against the conviction. Credibility determinations are primarily for the factfinder, whose resolution of conflicting testimony receives deference.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Christopher Gilmore v. State of Ohio

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Gilmore's convictions for having weapons while under disability and improperly handling firearms in a motor vehicle were against the manifest weight of the evidence.
2. Whether the trial court could impose a no-contact order, characterized as a community-control sanction, together with prison terms for the same felony offenses.

HOLDINGS

1. The convictions were not against the manifest weight of the evidence because the trial court did not clearly lose its way in resolving credibility conflicts and finding that Gilmore knowingly possessed and transported or had a loaded firearm accessible in a motor vehicle.
2. A trial court may not impose a no-contact order together with a prison term for the same offense because a no-contact order is a community-control sanction and Ohio felony sentencing statutes generally require the court to impose either a prison term or community control for each offense.

KEY QUOTATIONS

“must weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether, in resolving conflicts in the evidence, the finder of fact clearly lost its way and created such a manifest miscarriage of justice that the judgment must be reversed and a new trial ordered.” (¶ 12)

“If the evidence is susceptible of more than one construction, the reviewing court is bound to give it that interpretation which is consistent with the verdict and judgment, most favorable to sustaining the verdict and judgment.” (¶ 16)

“The trier of fact is free to accept or reject any or all testimony of any witness.” (¶ 21)

“when a prison term and community control are possible sentences for a particular felony offense, absent an express exception, the court must impose either a prison term or a community-control sanction or sanctions.” (¶ 27)

FACTUAL BACKGROUND

After a dispute involving his former partner, Gilmore was alleged to have threatened her and pointed a firearm at her while she was driving. Police located the vehicle Gilmore had been driving and, after receiving consent to search it from his mother, found a loaded, operable firearm in the driver's compartment. Gilmore stipulated to the prior offenses supporting the weapons-under-disability charges and to the firearm's operability. The trial court credited sufficient evidence to convict him of the three firearm-related felonies, while finding him not guilty of aggravated menacing and domestic violence.

PROCEDURAL HISTORY

A Cuyahoga County grand jury indicted Gilmore on two counts of having weapons while under disability, one count of improperly handling firearms in a motor vehicle, aggravated menacing, and domestic violence. Following a bench trial, the court found him guilty of the three firearm-related felonies and not guilty of aggravated menacing and domestic violence. The trial court imposed concurrent 12-month prison terms and a no-contact order. On appeal, the court rejected the manifest-weight challenge but held that the no-contact order could not be imposed together with prison terms for the same offenses.

DISPOSITION

other

REMAND INSTRUCTIONS

The no-contact order is vacated; the convictions and remaining sentences are affirmed. A special mandate shall issue directing the common pleas court to execute the judgment.

CASES CITED

- State v. Hughes-Davis, 2025-Ohio-3151, ¶ 24 (8th Dist.)
- Eastley v. Volkman, 2012-Ohio-2179, ¶¶ 12, 20
- State v. Thompkins, 78 Ohio St.3d 380, 387 (1997)
- In re Z.C., 2023-Ohio-4703, ¶ 14
- State v. Dodson, 2025-Ohio-1733, ¶ 12 (8th Dist.)
- State v. Martin, 20 Ohio App.3d 172, 175 (1st Dist. 1983)
- Parma Hts. v. Brett, 2025-Ohio-4, ¶ 21 (8th Dist.)
- State v. Jones, 2025-Ohio-2866, ¶ 47 (8th Dist.)
- State v. Sheline, 2019-Ohio-528, ¶ 100 (8th Dist.)
- State v. Rentas, 2024-Ohio-732, ¶ 16 (8th Dist.)
- State v. Solomon, 2021-Ohio-940, ¶ 62 (8th Dist.)
- State v. Clark, 2025-Ohio-5342, ¶ 52
- State v. Pace, 2025-Ohio-2874, ¶ 62 (10th Dist.)
- Parma v. Singh, 2018-Ohio-5235, ¶ 21 (8th Dist.)
- State v. Smith, 2010-Ohio-4006, ¶ 16 (8th Dist.)
- State v. Anderson, 2015-Ohio-2089, ¶¶ 23, 31-32
- State v. Berry, 2012-Ohio-4660, ¶ 21 (3d Dist.)
- State v. Snyder, 2013-Ohio-2046, ¶ 55 (3d Dist.)
- State v. Schwartz, 2013-Ohio-3958, ¶¶ 9-12 (6th Dist.)
- State v. Marcum, 2012-Ohio-572, ¶ 11 (4th Dist.)
- State v. Simms, 2009-Ohio-5440, ¶ 25 (12th Dist.)

- State v. Loveless, 2002-Ohio-5380, ¶ 18 (2d Dist.)

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