

COURT OF APPEALS OF OHIO, SEVENTH APPELLATE DISTRICT,
BELMONT COUNTY

State v. Turner

2026-Ohio-1528 · No. 25 BE 0054 · Decided April 28, 2026

SUMMARY

The Ohio Seventh District Court of Appeals affirmed the denial of Kawame Turner’s motion for additional jail-time credit. The court held that Turner’s claim regarding credit in two cases presented a substantive legal issue that should have been raised on direct appeal and was barred by res judicata. The court also noted that Turner had agreed to the jointly recommended sentence and the credited time.

CASE DETAILS

COURT	Court of Appeals of Ohio, Seventh Appellate District, Belmont County
WRITING FOR THE COURT	Katelyn Dickey; Cheryl L. Waite; Carol Ann Robb
JURISDICTION	Ohio Court of Appeals, Seventh Appellate District, Belmont County
DECIDED	April 28, 2026
DOCKET	25 BE 0054
DISPOSITION	affirmed
PROCEDURAL POSTURE	Kawame Turner appealed the Belmont County Court of Common Pleas' denial of his pro se post-judgment motion seeking additional jail-time credit.
STANDARD OF REVIEW	The court reviewed the denial of the post-judgment motion for additional jail-time credit for legal error. It distinguished substantive legal challenges to jail-time credit, which must be raised on direct appeal and are subject to res judicata, from mathematical or clerical errors that may be corrected by post-judgment motion.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Kawame Turner v. State of Ohio

TOPICS

- sentencing
- post-conviction relief
- appellate procedure
- preservation of error
- criminal procedure

PRACTICE AREAS

criminal procedure

sentencing

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether Turner's challenge to receiving jail-time credit in two cases simultaneously was a substantive legal challenge that had to be raised on direct appeal and was therefore barred by res judicata.
2. Whether the trial court erred in denying Turner's post-judgment motion for additional jail-time credit when Turner had agreed to the amount of credit included in his jointly recommended sentence.
3. Whether the jointly recommended sentence was subject to appellate review under R.C. 2953.08(D)(1).

HOLDINGS

1. A claim that the defendant was denied a category of jail-time credit, including credit for confinement associated with another case, is a substantive legal challenge rather than a mathematical or clerical error. It must be raised in a direct appeal from the sentencing entry; if it could have been raised there but was not, res judicata bars the later challenge.
2. A sentence authorized by law, jointly recommended by the defendant and prosecution, and imposed by the sentencing judge is not subject to review under R.C. 2953.08.

KEY QUOTATIONS

“Legal arguments concerning jail time credit are waived if they are not raised in the direct appeal.” (¶ 15)

“As such, if there is no appeal from a legal error in the sentencing entry’s provision of jail time credit, then the issue becomes res judicata if it could have been raised on direct appeal.” (¶ 16)

“Appellant has waived his ability to appeal any substantive issue regarding jail-time credit and, in any event, he agreed to the time for which he was given credit.” (¶ 18)

FACTUAL BACKGROUND

Turner was indicted in Case No. 19 CR 209 for drug trafficking, tampering with evidence, and drug possession after methamphetamine was retrieved from his body at the Belmont County Jail. After various plea and sentencing proceedings, including withdrawal of an earlier no-contest plea, he pleaded guilty to tampering with evidence in August 2025 under a jointly recommended 36-month sentence that included 430 days of jail-time credit. He sought an additional 224 days based on confinement associated with a separate failure-to-appear case, Case No. 23 CR 258, but the trial court denied the request.

PROCEDURAL HISTORY

Turner pleaded guilty to tampering with evidence in Belmont County Court of Common Pleas Case No. 19 CR 209 and received a jointly recommended 36-month sentence with 430 days of jail-time credit. He later moved for additional credit based on time associated with a separate failure-to-appear case, Case No. 23 CR 258. The trial court denied the motion on October 3, 2025, and the Seventh District affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Rankin v. Ohio Adult Parole Auth., 98 Ohio St. 3d 476, 2003-Ohio-2061, 786 N.E.2d 1286
- State v. Mason, 7th Dist. No. 10CO20
- State v. Parsons, 10th Dist. No. 03AP-1176, 2005-Ohio-457
- State v. Szeftcyk, 77 Ohio St. 3d 93, 95, 671 N.E.2d 233 (1996)
- State v. Perry, 10 Ohio St. 2d 175, 180, 226 N.E.2d 104 (1967)
- State v. Britton, 3d Dist. Nos. 4-12-13, 4-12-14, 4-12-15, 2013-Ohio-1008
- State v. Johnson, 5th Dist. Nos. 2011-CA-0113, 2011-CA-0114, 2012-Ohio-5164
- State v. Chafin, 10th Dist. No. 06AP-1108, 2007-Ohio-1840
- State v. McClain, 6th Dist. No. L-07-1164, 2008-Ohio-481
- State v. Robinson, 4th Dist. No. 00CA2698 (Oct. 23, 2000)
- State v. Perry, 2013-Ohio-4370 (7th Dist.)
- State v. Turner, 2024-Ohio-4845 (7th Dist.)
- State v. Turner, 2024-Ohio-5800 (7th Dist.)

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