

COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT

State v. Plassman

2025-Ohio-5557 · No. F-24-010 · Decided December 12, 2025

SUMMARY

The Sixth District Court of Appeals affirmed the denial of Todd Plassman's motion to correct an allegedly illegal or void sentence. The court held that the motion constituted an untimely or successive post-conviction petition under R.C. 2953.23 and that Plassman failed to satisfy the statutory requirements permitting review.

CASE DETAILS

COURT	Court of Appeals of Ohio, Sixth Appellate District
WRITING FOR THE COURT	Thomas J. Osowik; Gene A. Zmuda; Myron C. Duhart
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Fulton County
DECIDED	December 12, 2025
DOCKET	F-24-010
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a motion to correct an illegal or void sentence, treated by the appellate court as an untimely successive petition for post-conviction relief.
STANDARD OF REVIEW	De novo review applies to whether a common pleas court possesses subject-matter jurisdiction to entertain an untimely or successive post-conviction petition.
PRECEDENTIAL VALUE	Published
PARTIES	Todd Plassman v. State of Ohio

TOPICS

- state post-conviction relief
- successive petitions
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

- Criminal law
- Post-conviction relief
- Appellate procedure

QUESTIONS PRESENTED

1. Whether Plassman's motion to correct an illegal or void sentence was an untimely or successive petition for post-conviction relief governed by R.C. 2953.23.
2. Whether Plassman satisfied either statutory exception under R.C. 2953.23(A) permitting the trial court to entertain the untimely or successive petition.
3. Whether the trial court properly denied the motion.

HOLDINGS

1. A motion challenging the indictment and sentence, regardless of its label as a motion to correct an illegal or void sentence, is treated as a successive post-conviction petition.
2. A petitioner's failure to satisfy the requirements of R.C. 2953.23(A) deprives the trial court of jurisdiction to adjudicate the merits of an untimely or successive post-conviction petition.
3. Plassman did not satisfy either requirement of R.C. 2953.23(A), so the trial court properly denied his untimely successive petition.

KEY QUOTATIONS

“However, no matter how he characterizes his petition, it is a successive post-conviction petition that presents an attack on the indictment itself.” (§ 8)

“The Supreme Court of Ohio has held that a petitioner's failure to satisfy R.C. 2953.23(A) deprives a trial court of jurisdiction to adjudicate the merits of an untimely or successive postconviction petition.” (§ 11)

FACTUAL BACKGROUND

In 1992, Todd Plassman was arrested after refusing to leave his in-laws' home, escaping from a police cruiser, driving the cruiser away, and failing to stop during a police pursuit. He later pleaded guilty pursuant to a plea bargain to several offenses, including two vandalism counts, and received consecutive two-to-five-year indefinite sentences on those counts. Decades later, he challenged the sentences on the ground that the indictment lacked the required specifications.

PROCEDURAL HISTORY

Plassman pleaded guilty in 1993 to failure to comply with an order or signal of a police officer, unauthorized use of a motor vehicle, and two counts of vandalism, receiving consecutive indefinite sentences of two to five years for the vandalism counts. He did not take a direct appeal. In October 2024, more than thirty-one years after his guilty plea, he filed a motion challenging the validity of the vandalism sentences and arguing that the indictment lacked required specifications. The Fulton County Court of Common Pleas denied the motion, and the Sixth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Apanovitch, 2018-Ohio-4744, ¶ 24
- State v. Pitts, 2023-Ohio-3545, ¶ 22 (6th Dist.), appeal not allowed, 2024-Ohio-1386
- State v. Plassman, Fulton App. No. F-95-025 (6th Dist. Nov. 1, 1995)
- State v. Plassman, 75 Ohio St.3d 1409 (1996)
- State v. Plassman, 1997 WL 133348 (6th Dist. Mar. 21, 1997)
- State v. Plassman, 1997 WL 679544 (6th Dist. 1997)
- State v. Kinion (Sept. 30, 1997), 6th Dist. No. WD-97-026

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