

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION AT COLUMBUS

Ethan Grim v. Warden, Belmont Correctional Institution

Grim · No. 2:25-cv-00258 · Decided February 9, 2026

SUMMARY

This Report and Recommendations addresses Ethan Grim’s pro se federal habeas petition challenging his Ohio convictions and sentence arising from a juvenile bindover and subsequent adult criminal prosecution. The document analyzes procedural default, including the untimely appeal to the Ohio Supreme Court, and considers claims involving the Confrontation Clause, hearsay, and the admission of out-of-court statements.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division at Columbus
WRITING FOR THE COURT	Michael R. Merz; Edmund A. Sargus, Jr.
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division at Columbus
DECIDED	February 9, 2026
DOCKET	2:25-cv-00258
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 from Ohio convictions and sentence. The magistrate judge issued a Report and Recommendations recommending dismissal with prejudice, denial of a certificate of appealability, and certification that any appeal would be objectively frivolous.
STANDARD OF REVIEW	Under the Antiterrorism and Effective Death Penalty Act, federal habeas relief is available only when the state-court decision was contrary to, or involved an unreasonable application of, clearly established Supreme Court precedent, or rested on an unreasonable determination of the facts. State-court evidentiary rulings are generally reviewed deferentially, and federal habeas courts do not reexamine state-law questions. The magistrate judge also applied procedural-default principles and harmless-error review.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ethan Grim v. Warden, Belmont Correctional Institution

TOPICS

federal habeas corpus post-conviction relief procedural due process hearsay appellate procedure

PRACTICE AREAS

Federal habeas corpus Post-conviction relief Criminal procedure Evidence Appellate procedure

QUESTIONS PRESENTED

1. Whether Grim's federal habeas claims were procedurally defaulted because he failed to timely appeal the Ohio Third District's decision to the Ohio Supreme Court.
2. Whether the juvenile court violated the Sixth and Fourteenth Amendments by admitting codefendants' statements through a detective at the juvenile probable-cause or bindover hearing.
3. Whether admission of testimony concerning a codefendant's statement that he shaved residue from his arms violated the Confrontation Clause or due process.
4. Whether admission of testimony concerning statements overheard during a telephone conversation denied Grim the right to present a complete defense.
5. Whether Grim was entitled to an evidentiary hearing on unpleaded claims concerning insanity, competency, and ineffective assistance of trial counsel.
6. Whether claims inserted for the first time in a traverse, including manifest weight, lack of competency hearing, and lack of subject-matter jurisdiction, could be considered.

HOLDINGS

1. Grim could not rely on ineffective assistance of appellate counsel to excuse his failure to timely appeal to the Ohio Supreme Court because he did not pursue Ohio Appellate Rule 26(B) reopening, the available state remedy for appellate-counsel ineffectiveness.
2. The admission of codefendants' statements through a detective at Grim's juvenile probable-cause hearing did not violate the Sixth Amendment Confrontation Clause because confrontation is principally a trial right and the probable-cause hearing was not a trial.
3. Grim's challenge to the admission of testimony concerning a codefendant's statement about shaving residue from his arms did not warrant federal habeas relief because the asserted abuse of discretion was a state-law evidentiary claim and, in any event, the state court found any error harmless in light of the overwhelming evidence.
4. The admission of testimony concerning statements overheard during Grim's telephone conversation did not entitle him to habeas relief because the state court gave an immediate limiting instruction, identified a separate non-hearsay statement by Grim, and reasonably found any error harmless beyond a reasonable doubt.

5. Claims not pleaded in the habeas petition could not be added through the traverse, including claims concerning manifest weight, competency, insanity, and lack of subject-matter jurisdiction.

KEY QUOTATIONS

“The lower federal courts do not have authority under the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. No 104-132, 110 Stat. 1214)(the "AEDPA"), to extend principles announced by the Supreme Court.”

“The question before a habeas court is whether the State court decision in the case is contrary to or an unreasonable application of the holdings, not dicta, of relevant Supreme Court decisions.”

“Federal habeas courts do not sit to correct asserted error in trial court evidentiary rulings except in rare circumstances.”

FACTUAL BACKGROUND

On November 27, 2019, four individuals participated in a home invasion during which two residents were shot and killed. Ethan Grim was less than a month shy of his eighteenth birthday, and the juvenile court held a joint probable-cause hearing before transferring him for prosecution as an adult. After transfer, Grim was convicted of complicity offenses involving aggravated burglary, aggravated robbery, kidnapping, felonious assault, and murder, together with firearm specifications. His federal petition challenged the use of codefendants' statements at the juvenile probable-cause hearing and the admission of testimony concerning a codefendant's statements and a telephone conversation.

PROCEDURAL HISTORY

Grim was transferred from juvenile court to the Logan County Court of Common Pleas, convicted by a jury in January 2023, and sentenced to an aggregate term of fifty years to life with parole eligibility after twenty-five years. The Ohio Third District Court of Appeals affirmed, and the Ohio Supreme Court denied leave to file a delayed appeal. Grim then filed this federal habeas petition, asserting constitutional challenges to the juvenile probable-cause hearing and the admission of evidence at trial. The magistrate judge concluded that the claims were procedurally defaulted or meritless and recommended dismissal with prejudice.

DISPOSITION

other

CASES CITED

- State v. Grim, 2023-Ohio-4474 (Ohio App. 3d Dist. Dec. 11, 2023)
- Murray v. Carrier, 477 U.S. 478, 488-89 (1986)
- Howard v. Bouchard, 405 F.3d 459, 478 (6th Cir. 2005)
- Lucas v. O'Dea, 179 F.3d 412, 418 (6th Cir. 1999)
- Gravley v. Mills, 87 F.3d 779, 785 (6th Cir. 1996)
- Coleman v. Thompson, 501 U.S. 722 (1991)

- Edwards v. Carpenter, 529 U.S. 446 (2000)
- Chase v. MacCauley, 971 F.3d 582, 592 (6th Cir. 2020)
- Scuba v. Brigano, 527 F.3d 479, 488 (6th Cir. 2007)
- Riggins v. Turner, 110 F.3d 64 (6th Cir. 1997)
- Atta v. Scutt, 662 F.3d 736 (6th Cir. 2011)
- Roper v. Simmons, 543 U.S. 551, 569-70 (2005)
- Graham v. Florida, Graham v. Florida, 560 U.S. 48 (2010)
- Miller v. Alabama, Miller v. Alabama, 567 U.S. 460 (2012)
- Montgomery v. Louisiana, 577 U.S. 190 (2016)
- Parker v. Matthews, 567 U.S. 37 (2012)
- Ruimveld v. Birkett, 404 F.3d 1006, 1010 (6th Cir. 2005)
- O'Sullivan v. Boerckel, 526 U.S. 838, 844, 846-47 (1999)
- Schlup v. Delo, 513 U.S. 298 (1995)
- Jalowiec v. Bradshaw, 657 F.3d 293 (6th Cir. 2011)
- Tyler v. Mitchell, 416 F.3d 500, 504 (6th Cir. 2005)
- Johnson v. Havener, 534 F.2d 1232 (6th Cir. 1976)
- Barber v. Page, 390 U.S. 719, 725 (1968)
- State v. Iacona, 93 Ohio St. 3d 83, 93 (2001)
- Kaley v. United States, 571 U.S. 320, 338 (2014)
- State v. Fuell, 2021-Ohio-1627, ¶¶ 29-30
- State v. Conway, 109 Ohio St. 3d 412, 2006-Ohio-2815, ¶ 62
- State v. McKelton, 148 Ohio St. 3d 261, 2016-Ohio-5735, ¶ 97
- State v. Boaston, 160 Ohio St. 3d 46, 2020-Ohio-1061
- Estelle v. McGuire, 502 U.S. 62, 67-68 (1991)
- Wilson v. Corcoran, 562 U.S. 1 (2010)
- Lewis v. Jeffers, 497 U.S. 764, 780 (1990)
- Smith v. Phillips, 455 U.S. 209 (1982)
- Barclay v. Florida, 463 U.S. 939 (1983)
- Sinistaj v. Burt, 66 F.3d 804 (6th Cir. 1995)
- Cullen v. Pinholster, 563 U.S. 170 (2011)
- Upshaw v. Stephenson, 97 F.4th 365, 372 (6th Cir. 2024)
- Mitchell v. Genovese, 974 F.3d 638, 647 (6th Cir. 2020)