

OHIO COURT OF APPEALS, SEVENTH APPELLATE DISTRICT

State v. Amos

2026-Ohio-539 · No. 25 BE 0045 · Decided February 17, 2026

SUMMARY

The Ohio Court of Appeals for the Seventh District affirmed the Belmont County Court of Common Pleas’ denial of John E. Amos’s successive petitions for postconviction relief. The court held that the petitions were untimely, did not satisfy an exception under R.C. 2953.23, were barred by res judicata, and failed to establish substantive grounds for relief or entitlement to an evidentiary hearing.

CASE DETAILS

COURT	Ohio Court of Appeals, Seventh Appellate District
WRITING FOR THE COURT	Katelyn Dickey; Carol Ann Robb; Mark A. Hanni
JURISDICTION	Ohio Court of Appeals, Seventh Appellate District, Belmont County
DECIDED	February 17, 2026
DOCKET	25 BE 0045
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the Belmont County Court of Common Pleas' denial, without a hearing, of two successive petitions for postconviction relief.
STANDARD OF REVIEW	Abuse of discretion for the denial of a postconviction-relief petition without an evidentiary hearing.
PRECEDENTIAL VALUE	Published
PARTIES	John E. Amos v. State of Ohio

TOPICS

- state post-conviction relief
- successive petitions
- ineffective assistance
- criminal procedure
- standard of review

PRACTICE AREAS

- criminal law
- postconviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred by denying without a hearing Amos's successive postconviction petitions alleging ineffective assistance of counsel, prosecutorial misconduct, and witness intimidation.
2. Whether the petitions satisfied the statutory exception for an untimely postconviction petition under R.C. 2953.23.
3. Whether res judicata barred the claims because they were raised or could have been raised on direct appeal or in earlier postconviction proceedings.

HOLDINGS

1. The petitions were untimely because they were filed approximately eighteen years after the trial transcripts were filed in the direct appeal, well beyond the 365-day deadline in R.C. 2953.21(A)(2)(a), and Amos failed to establish an exception under R.C. 2953.23(A)(1).
2. Res judicata barred Amos's ineffective-assistance, prosecutorial-misconduct, witness-intimidation, and sentencing claims because they were raised or could have been raised on direct appeal or in earlier postconviction proceedings.
3. The trial court did not abuse its discretion by denying the petitions without a hearing because the petitions, affidavits, and record did not establish substantive grounds for postconviction relief or show that the alleged misconduct affected the trial outcome.

KEY QUOTATIONS

“Under the doctrine of res judicata, a final judgment of conviction bars the convicted defendant from raising and litigating in any proceeding, except an appeal from that judgment, any defense or any claimed lack of due process that was raised or could have been raised by the defendant at the trial which resulted in that judgment of conviction or on an appeal from that judgment.” (¶ 10)

FACTUAL BACKGROUND

Amos was convicted by a jury of five rape counts involving two victims, including his daughter, and received consecutive ten-year sentences. In 2025, he filed successive postconviction petitions alleging ineffective assistance of trial counsel based on purported prosecutorial misconduct and witness intimidation, supported by affidavits. The appellate court concluded that the claims could have been raised earlier, were filed approximately eighteen years after the direct-appeal transcripts, and did not establish that the trial result would have been different.

PROCEDURAL HISTORY

Amos was convicted in 2007 of five rape counts and received consecutive ten-year sentences. His direct appeal resulted in a remand for resentencing, after which he did not appeal the new sentencing entry. He filed multiple postconviction motions and petitions, several of which were denied or affirmed on appeal. In 2025, he filed motions alleging ineffective assistance, prosecutorial misconduct, and witness intimidation, and seeking to vacate his sentence; the trial court denied both motions, and the Seventh District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Everson, 2025-Ohio-2628, ¶ 22 (7th Dist.)
- State v. Bishop, 2025-Ohio-4948, ¶ 3 (7th Dist.)
- State v. Steffen, 70 Ohio St.3d 399, 410, 1994-Ohio-111, 639 N.E.2d 67
- State v. Martin, 7th Dist. No. 12 MA 167, 2013-Ohio-2881, ¶ 13
- State v. Gondor, 112 Ohio St.3d 377, 2006-Ohio-6679, 860 N.E.2d 77, ¶ 58
- State v. Dixon, 7th Dist. No. 10 MA 185, 2013-Ohio-2951, ¶ 21
- State v. Calhoun, 86 Ohio St.3d 279, 291, 1999-Ohio-102, 714 N.E.2d 905
- State v. Cornwell, 7th Dist. No. 00-CA-217, 2002-Ohio-5177, ¶ 25
- State v. Anderson, 2024-Ohio-2704, ¶¶ 10, 12-16 (7th Dist.)
- State v. Smith, 2017-Ohio-7770, ¶¶ 8-10 (7th Dist.)
- State v. Perry, 10 Ohio St.2d 175, 180-181 (1967)
- State v. West, 2009-Ohio-3347, ¶ 24 (7th Dist.)
- State v. Smith, 2019-Ohio-4501, ¶ 8 (7th Dist.)
- State v. Amos, 2008-Ohio-7138 (7th Dist.)
- State v. Amos, 2018-Ohio-3426 (7th Dist.)
- State v. Amos, 2019-Ohio-3651, ¶¶ 12-27 (7th Dist.)
- State v. Amos, 2024-Ohio-2939, ¶¶ 1-16 (7th Dist.)
- State v. Amos, No. 20 BE 0005 (7th Dist. Feb. 18, 2021)