

COURT OF APPEALS OF OHIO, FIRST APPELLATE DISTRICT, HAMILTON COUNTY

State v. Lemaire

2026-Ohio-1741 · No. C-250633 · Decided May 13, 2026

SUMMARY

The Ohio First District Court of Appeals affirmed Ernest Lemaire’s convictions for discharging a firearm into an occupied habitation and felonious assault, along with associated firearm specifications. The court rejected challenges based on sufficiency and manifest weight of the evidence, ineffective assistance of counsel, prosecutorial misconduct, and sentencing legality. The court held that the trial court properly credited the victim’s testimony and that the imposed aggregate sentence was lawful.

CASE DETAILS

COURT	Court of Appeals of Ohio, First Appellate District, Hamilton County
WRITING FOR THE COURT	Crouse, Presiding Judge; Nestor, Judge; Moore, Judge
JURISDICTION	Ohio First District Court of Appeals, Hamilton County
DECIDED	May 13, 2026
DOCKET	C-250633
DISPOSITION	affirmed
PROCEDURAL POSTURE	Ernest Lemaire appealed his convictions and sentences following a two-day bench trial in the Hamilton County Court of Common Pleas. He challenged the sufficiency and manifest weight of the evidence, effectiveness of trial counsel, prosecutorial misconduct, and the legality of his firearm-specification sentences.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by asking whether the evidence, viewed in the light most favorable to the State, could satisfy every element of the offense. A manifest-weight challenge requires the appellate court to review and weigh the evidence and reasonable inferences, while deferring to the factfinder's credibility determinations except in exceptional circumstances. Unpreserved prosecutorial-misconduct claims are reviewed for plain error. Ineffective-assistance claims are governed by the deficient-performance and prejudice requirements of Strickland. Sentences are reviewed for whether they are contrary to law under R.C. 2953.08(A)(4).

PRECEDENTIAL VALUE	published and precedential Ohio appellate opinion
PARTIES	Ernest Lemaine v. State of Ohio

TOPICS

criminal procedure evidence ineffective assistance prosecutorial misconduct sentencing

PRACTICE AREAS

criminal law criminal procedure appellate sentencing

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Lemaine's convictions for discharging a firearm at or into an occupied structure and felonious assault.
2. Whether the convictions were against the manifest weight of the evidence.
3. Whether trial counsel was ineffective for failing to introduce alleged alibi and impeachment evidence and for failing to file a notice of alibi.
4. Whether the prosecutor committed reversible misconduct by referring during closing argument to facts allegedly not admitted into evidence.
5. Whether the trial court's sentences for the firearm specifications were contrary to law, including whether the court could impose sentences for two firearm-facilitation specifications and one vehicle-discharge specification and whether the sentences were required to run consecutively.

HOLDINGS

1. The evidence was sufficient to support Lemaine's convictions for discharging a firearm at or into C.W.'s habitation and for felonious assault of K.B.
2. Lemaine's convictions were not against the manifest weight of the evidence.
3. Lemaine was not entitled to reversal on direct appeal based on counsel's alleged failure to introduce alibi, impeachment, or civil-judgment evidence or to file a notice of alibi.
4. The prosecutor improperly suggested that everyone in the house had identified Lemaine, but the error did not deprive Lemaine of a fair trial or constitute reversible plain error.
5. The trial court lawfully imposed sentences on the two firearm-facilitation specifications and one vehicle-discharge specification after merging the other specifications.
6. The trial court was required to impose the sentences for the two facilitation specifications and the vehicle-discharge specification consecutively to one another and to the underlying felony sentence, so the aggregate sentence was not contrary to law.

KEY QUOTATIONS

“To determine whether the State’s evidence was sufficient to sustain a conviction, we ask whether that evidence, if believed and taken in the light most favorable to the State, could have satisfied all the elements the State had to prove at trial.” (¶ 22)

“an adjudication is not against the manifest weight of the evidence simply because the trier of fact believed the prosecution testimony.” (¶ 39)

“After a trial court has imposed sentences for the two most serious specifications, it has discretion whether to impose sentences for the other (B)(1)(a) specifications.” (¶ 64)

“We begin with the presumption that all sentences—including sentences for specifications—are to be served concurrently, absent an express statutory exception.” (¶ 69)

FACTUAL BACKGROUND

K.B., who shared two children with Lemaine and was involved in a custody dispute with him, testified that Lemaine appeared near the house where she was visiting and later pointed a firearm from a vehicle toward the house. She heard a shot, and police found an apparent bullet hole in the house; shortly afterward, police stopped a vehicle associated with Lemaine's companion and located Lemaine near the apartment complex where he worked. Lemaine denied involvement and claimed he had been working. The trial court credited K.B.'s testimony and convicted Lemaine of improper discharge into a habitation, felonious assault of K.B., and firearm specifications.

PROCEDURAL HISTORY

A Hamilton County grand jury indicted Lemaine on one count of discharging a firearm at or into an occupied structure and three counts of felonious assault, with firearm specifications attached to each count. After a bench trial, the trial court found him guilty on the improper-discharge count, the felonious-assault count involving K.B., and six specifications; it found him not guilty on the other two felonious-assault counts. The court merged the improper-discharge count into the felonious-assault count, merged specifications as described in the opinion, and imposed an aggregate prison term of 16 years to 18 years and 6 months. The appellate court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Myers, 2018-Ohio-1903, ¶ 138
- State v. Garrett, 2026-Ohio-49, ¶ 17 (1st Dist.)
- State v. Messenger, 2022-Ohio-4562, ¶ 26
- State v. Chambers, 2025-Ohio-4737, ¶ 18 (1st Dist.)
- State v. Jones, 2021-Ohio-3311, ¶ 16
- State v. Gibson, 2023-Ohio-1154, ¶¶ 39-40, 43 (1st Dist.)
- State v. Martin, 20 Ohio App.3d 172, 175 (1st Dist. 1983)

- State v. Thompkins, 1997-Ohio-52, ¶ 25
- State v. Railey, 2012-Ohio-4233, ¶ 14 (1st Dist.)
- Strickland v. Washington, 466 U.S. 668, 686-688, 694 (1984)
- State v. Bradley, 42 Ohio St.3d 136, 141-142 (1989)
- State v. Conway, 2006-Ohio-2815, ¶ 95
- State v. Collins, 2024-Ohio-5112, ¶¶ 71, 73-74 (1st Dist.)
- State v. Bell, 2023-Ohio-1010, ¶ 9 (1st Dist.)
- State v. Kirkland, 2020-Ohio-4079, ¶ 115
- Smith v. Phillips, 455 U.S. 209, 219 (1982)
- State v. Lott, 51 Ohio St.3d 160, 166 (1990)
- State v. McAlpin, 2022-Ohio-1567, ¶ 228
- State v. Rouzier, 2021-Ohio-1466, ¶ 19 (1st Dist.)
- State v. White, 15 Ohio St.2d 146, 151 (1968)
- State v. Bollar, 2022-Ohio-4370, ¶¶ 19-21
- State v. Beatty, 2024-Ohio-5684, ¶¶ 11, 15-17

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