

OHIO COURT OF APPEALS, FIRST APPELLATE DISTRICT, HAMILTON
COUNTY

State v. Stenson

2026-Ohio-2280 · No. C-250214 · Decided June 17, 2026

SUMMARY

The Ohio First District Court of Appeals affirmed Ebony Stenson’s conviction for felonious assault involving a motor vehicle, reversed her conviction on another felonious-assault count, and remanded for entry of an aggravated-assault conviction on that count. The court held that the trial court should have provided a consistent aggravated-assault jury instruction for conduct charged under the same factual basis and that two offenses merged for sentencing. The court also remanded for resentencing and found the remaining challenges to consecutive sentences moot.

CASE DETAILS

COURT	Ohio Court of Appeals, First Appellate District, Hamilton County
WRITING FOR THE COURT	Nestor, Judge; Nestor, J.; Kinsley, P.J.; Moore, J.
JURISDICTION	Ohio First District Court of Appeals, Hamilton County
DECIDED	June 17, 2026
DOCKET	C-250214
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Criminal appeal from convictions and sentences for felonious assault and aggravated assault following a jury trial.
STANDARD OF REVIEW	A denial of a requested inferior-offense jury instruction is reviewed for abuse of discretion. Merger determinations under R.C. 2941.25 are reviewed de novo. Sufficiency is reviewed to determine whether, viewing the evidence most favorably to the prosecution, any rational trier of fact could find the essential elements beyond a reasonable doubt. Manifest-weight review considers the entire record, weighs the evidence and credibility, and asks whether the factfinder clearly lost its way and created a manifest miscarriage of justice.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Ebony Stenson v. State of Ohio

TOPICS

jury instructions

lesser included offense instructions

criminal procedure

sentencing

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by giving an aggravated-assault inferior-offense instruction on Count 3 but not Counts 2 and 4.
2. Whether Counts 2, 3, and 4 were allied offenses of similar import requiring merger for sentencing under R.C. 2941.25.
3. Whether the record supported the trial court's consecutive-sentence findings.
4. Whether the conviction on Count 2 was supported by sufficient evidence.
5. Whether the conviction on Count 2 was against the manifest weight of the evidence.
6. Whether the sufficiency and manifest-weight challenges to Count 4 remained reviewable after the court reversed that conviction and ordered merger-related resentencing.

HOLDINGS

1. The trial court did not abuse its discretion by refusing to instruct the jury on aggravated assault for Count 2 because Stenson's own testimony that she did not chase Jennings with the car was incompatible with the requested provocation-based instruction.
2. The trial court abused its discretion by giving the aggravated-assault instruction on Count 3 but not Count 4, because the counts were presented as arising from the same knife conduct and sufficient evidence supported the instruction on Count 3.
3. Rather than remanding for a new trial on Count 4, the court reversed the felonious-assault conviction and directed the trial court to enter a conviction for aggravated assault under R.C. 2903.12(A)(2).
4. Counts 3 and 4 are allied offenses of similar import and must merge for sentencing.
5. Count 2 does not merge with Counts 3 and 4.
6. The consecutive-sentence challenge was moot because the instructional-error and merger rulings required resentencing.
7. The conviction on Count 2 was supported by sufficient evidence and was not against the manifest weight of the evidence.

KEY QUOTATIONS

“If sufficient evidence is presented that would allow a jury to reject the greater offense and find the defendant guilty of an inferior offense, the trial court must provide a jury instruction on the inferior offense.” (§ 29)

“A defendant is entitled to a bill of particulars setting out the ultimate facts upon which the state expects to rely in establishing its case, and the state, upon supplying such bill, should be restricted in its proof to the

indictment and the particulars as set forth in the bill.” (§ 40)

“Offenses will not merge, and a defendant may be convicted of multiple offenses, if any of the following is true: (1) the offenses are “dissimilar in import or significance[,]” (2) the offenses were “committed separately[,]” or (3) the offenses were “committed with separate animus or motivation[.]”” (§ 47)

“When reviewing a challenge to the sufficiency of the evidence, “the question is whether after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found all the essential elements of the crime beyond a reasonable doubt.”” (§ 54)

FACTUAL BACKGROUND

Stenson and Jennings, fellow bus drivers involved in a tumultuous relationship, argued after work on September 19, 2022. During the confrontation, Jennings sustained knife wounds, and Stenson chased him with a car; after Jennings entered a stranger's home, the homeowner shot and killed him. Evidence also showed that Stenson struck Jennings with a baton after the shooting, although the indictment and bill of particulars did not identify the baton as the basis for Count 4. The jury acquitted Stenson of felony murder but convicted her of felonious assault on Counts 2 and 4 and aggravated assault on Count 3.

PROCEDURAL HISTORY

A Hamilton County grand jury indicted Stenson on felony murder and three felonious-assault counts arising from her assault of Henri Jennings with a knife, motor vehicle, and alleged baton. The jury acquitted her of felony murder, convicted her of felonious assault on Counts 2 and 4, and convicted her of aggravated assault, the inferior offense, on Count 3. The trial court imposed consecutive sentences totaling 13 1/2 to 17 1/2 years and denied Stenson's motion for a new trial or acquittal. The court of appeals affirmed Count 2, reversed the Count 4 felonious-assault conviction, directed entry of an aggravated-assault conviction on Count 4, and remanded for merger-related resentencing on Counts 3 and 4.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Affirm Count 2. Reverse the Count 4 felonious-assault conviction and direct the trial court to enter a conviction for aggravated assault under R.C. 2903.12(A)(2). Treat Counts 3 and 4 as allied offenses, and hold a new sentencing hearing on the count the State elects to pursue for sentencing. The consecutive-sentence challenge need not be decided on remand.

CASES CITED

- State v. Davenport, 2024-Ohio-1289, ¶¶ 13-14 (1st Dist.)
- State v. Thompkins, 2023-Ohio-2603, ¶¶ 15, 17 (1st Dist.)
- Johnson v. Abdullah, 2021-Ohio-3304, ¶¶ 33, 39
- State v. Rhymer, 2021-Ohio-2908, ¶ 25 (1st Dist.)

- State v. Adams, 2015-Ohio-3954, ¶ 240
- State v. Smith, 2006-Ohio-3720, ¶ 44 (1st Dist.)
- State v. Bushong, 2003-Ohio-2296, ¶ 30 (5th Dist.)
- State v. Collett, 1944 Ohio App. LEXIS 490 (2d Dist. Dec. 2, 1944)
- State v. Wimpey, 2019-Ohio-4823, ¶ 17 (6th Dist.)
- State v. Love, 2017-Ohio-8960, ¶ 2 (1st Dist.)
- State v. Bailey, 2015-Ohio-2997, ¶ 73 (1st Dist.)
- State v. Ruff, 2015-Ohio-995, ¶¶ 26, 31
- State v. Black, 2017-Ohio-5611, ¶ 20 (1st Dist.)
- State v. Jenks, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus
- State v. Thompkins, 78 Ohio St.3d 380, 387 (1997)
- State v. Hicks, 2023-Ohio-2209, ¶¶ 13, 15 (1st Dist.)
- State v. Messenger, 2021-Ohio-2044, ¶ 44 (10th Dist.)
- State v. Johnson, 2023-Ohio-1367, ¶¶ 116-117, 130 (8th Dist.)