

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT, MUSKINGUM
COUNTY

State v. Williams

2026-Ohio-85 · No. CT2025-0062 · Decided January 9, 2026

SUMMARY

The Ohio Fifth District Court of Appeals affirmed Marquise T. Williams’s sentence for felonious assault. The court held that the trial court was not required to follow the parties’ jointly recommended three-year sentence and that the imposed five-to-seven-and-a-half-year prison term was not contrary to law.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District, Muskingum County
WRITING FOR THE COURT	Craig R. Baldwin, Presiding Judge; Craig R. Baldwin, P.J.; Andrew J. King, J.; Robert G. Montgomery, J.
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Muskingum County
DECIDED	January 9, 2026
DOCKET	CT2025-0062
DISPOSITION	affirmed
PROCEDURAL POSTURE	Williams pleaded guilty to felonious assault, was sentenced by the Muskingum County Court of Common Pleas to five years to seven-and-a-half years in prison despite a joint recommendation for three years, and appealed the sentence.
STANDARD OF REVIEW	Felony sentences are reviewed under R.C. 2953.08. The appellate court may increase, reduce, modify, or vacate a sentence and remand when it clearly and convincingly finds that the record does not support specified statutory findings or that the sentence is otherwise contrary to law. The appellate court may not independently weigh the evidence and substitute its judgment for the trial court's determination of the sentence that best complies with R.C. 2929.11 and R.C. 2929.12.
PRECEDENTIAL VALUE	Published opinion; precedential under the applicable Ohio appellate rules.
PARTIES	Marquise T. Williams v. State of Ohio

TOPICS

sentencing

sentencing guidelines

standard of review

plea bargaining

appellate procedure

PRACTICE AREAS

Criminal law

Criminal sentencing

Appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court imposed a sentence contrary to the purposes and principles of felony sentencing under R.C. 2929.11 because it did not impose the minimum sanctions necessary to achieve those purposes.
2. Whether the trial court erred by rejecting the parties' joint sentencing recommendation and considering allegations and letters associated with the presentence investigation report.

HOLDINGS

1. The sentence was not clearly and convincingly contrary to law because it was within the statutory range and the record did not establish that the trial court failed to consider the purposes and principles of felony sentencing or the applicable seriousness and recidivism factors.
2. The trial court was not obligated to follow the parties' joint recommendation and did not err by imposing a different sentence.

KEY QUOTATIONS

“Nothing in R.C. 2953.08 permits this Court to independently weigh the evidence in the record and substitute our own judgment for that of the trial court to determine a sentence which best reflects compliance with R.C. 2929.11 and R.C. 2929.12.” (§10)

“Trial courts may reject plea agreements and that they are not bound by a jointly recommended sentence.” (§14)

FACTUAL BACKGROUND

Williams pleaded guilty to felonious assault after a domestic dispute involving the mother of his child. During the incident, he grabbed the victim by the hair, threw her onto a bed, and inflicted a seven-inch leg wound with scissors. At sentencing, the parties jointly recommended a three-year prison term, but the trial court considered concerns about Williams's conduct and letters submitted before sentencing and imposed five years to seven-and-a-half years.

PROCEDURAL HISTORY

Williams pleaded guilty to one count of felonious assault in exchange for dismissal of the remaining counts. The parties jointly recommended a three-year prison sentence, but the trial court rejected the recommendation and imposed an indefinite prison sentence of five years to seven-and-a-half years. Williams timely appealed, and the State filed no appellate brief.

DISPOSITION

affirmed

CASES CITED

- State v. Marcum, 2016-Ohio-1002
- Cross v. Ledford, 161 Ohio St. 469, paragraph three of the syllabus
- State v. Renne, 2025-Ohio-5809, ¶ 12 (5th Dist.)
- State v. Morris, 2021-Ohio-2646, ¶ 90 (5th Dist.)
- State v. Dinka, 2019-Ohio-4209, ¶ 36 (12th Dist.)
- State v. Taylor, 2024-Ohio-238, ¶ 14 (5th Dist.)
- State v. Davis, 2025-Ohio-3126, ¶ 50 (5th Dist.)
- State v. Underwood, 2010-Ohio-1, ¶ 29
- State v. Marshall, 2025-Ohio-3291, ¶ 12 (5th Dist.)

OPINION

PER CURIAM.

[Cite as State v. Williams, 2026-Ohio-85.] COURT OF APPEALS MUSKINGUM COUNTY, OHIO FIFTH APPELLATE DISTRICT STATE OF OHIO, Case No. CT2025-0062 Plaintiff - Appellee Opinion And Judgment Entry -vs- Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0199 MARQUISE T. WILLIAMS, Judgment: Affirmed Defendant – Appellant Date of Judgment Entry: January 9, 2026 BEFORE: Craig R. Baldwin; Andrew J. King; Robert G. Montgomery, Judges APPEARANCES: No Appearance, for Plaintiff-Appellee; CHRIS BRIGDON, for Defendant-Appellant.

Baldwin, P.J. {¶1} The appellant, Marquise T. Williams, appeals his sentence following his plea of Felonious Assault in the Muskingum County Court of Common Pleas. Appellee is the State of Ohio. STATEMENT OF FACTS AND THE CASE {¶2} On April 23, 2025, the appellant entered a plea of guilty to one count of Felonious Assault in violation of R.C. 2903.11(A)(1) in exchange for the State dismissing the remaining counts.

The parties also presented a joint recommendation of a three-year prison sentence. The underlying allegations involved a domestic dispute between the appellant and the mother of his child. During the incident, the appellant grabbed the victim by the hair, threw her onto the bed, and inflicted a seven-inch long leg wound with a pair of scissors. {¶3} On June 4, 2025, the case proceeded to sentencing.

At the sentencing hearing, the appellee reiterated its joint recommended sentence of a three-year prison term. It raised concerns about the appellant’s conduct which led to the conviction, as well as

letters submitted prior to sentencing.

The appellant's counsel likewise urged the trial court to adopt the recommended sentence. When the appellant addressed the trial court, he denied any witness tampering, and expressed remorse. ¶4 The trial court rejected the joint recommendation and imposed a prison sentence of five years to seven-and-a-half years. ¶5 The appellant filed a timely notice of appeal and herein raises the following sole assignment of error: ¶6 "I.

THE MINIMUM SANCTIONS TO ACHIEVE THE PURPOSE OF R.C. §2929.11 WERE NOT REFLECTED IN THE SENTENCE APPELLANT RECEIVED." ¶7 We note the Muskingum County Prosecutor's Office failed to file a brief in this matter. STANDARD OF REVIEW ¶8 We review felony sentences using the standard of review set forth in R.C. 2953.08. *State v. Marcum*, 2016-Ohio-1002.

Under R.C. 2953.08, an appellate court may increase, reduce, modify, or vacate a sentence and remand for sentencing where we clearly and convincingly find that either the record does not support the sentencing court's findings under R.C. 2929.13(B) or (D), R.C. 2929.14(B)(2)(e) or (C)(4), or R.C. 2929(I), or the sentence is otherwise contrary to law. *Id.* ¶9 "Clear and convincing proof is that measure or degree of proof which is more than a mere 'preponderance of the evidence,' but not to the extent of such certainty as is required 'beyond a reasonable doubt' in criminal cases, and which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established." *Cross v. Ledford*, 161 Ohio St.469, paragraph three of the syllabus. ¶10 "Nothing in R.C.

2953.08 permits this Court to independently weigh the evidence in the record and substitute our own judgment for that of the trial court to determine a sentence which best reflects compliance with R.C. 2929.11 and R.C. 2929.12." *State v. Renne*, 2025-Ohio-5809, ¶12 (5th Dist.). A sentence is not clearly and convincingly contrary to law where the trial court "considers the principles and purposes of R.C.

2929.11, as well as the factors listed in R.C. 2929.12, properly imposes post release control, and sentences the defendant within the permissible statutory ranges." *State v. Morris*, 2021-Ohio-2646, ¶90 (5th Dist.) quoting *State v. Dinka*, 2019-Ohio-4209, ¶36 (12th Dist.). ANALYSIS ¶11 A trial court must consider the purposes and principles of felony sentencing contained in R.C.

2929.11, and the seriousness and recidivism factors in R.C. 2929.12. *State v. Taylor*, 2024-Ohio-238, ¶14, (5th Dist.). ¶12 "The overriding purposes of felony sentencing are to protect the public from future crime by the offender and others, to punish the offender, and to promote the effective rehabilitation of the offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources." R.C.

2929.11(A). To achieve these purposes, “the sentencing court shall consider the need for incapacitating the offender, deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both.” *Id.* Further, the sentence imposed shall be “commensurate with and not demeaning to the seriousness of the offender’s conduct and its impact on the victim, and consistent with sentences imposed for similar crimes by similar offenders.” R.C.

2929.11(B). {¶13} “R.C. 2929.12 lists general factors which must be considered by the trial court in determining the sentence to be imposed for a felony, and gives detailed criteria which do not control the court’s discretion, but which must be considered for or against severity or leniency in a particular case.” *State v. Davis*, 2025-Ohio-3126, ¶50 (5th Dist.).

The trial court has discretion to determine the most effective way to comply with the purpose and principles of sentencings as set forth in R.C. 2929.11. {¶14} In the case sub judice, although the judge did not follow the joint sentencing recommendation, the sentence imposed is within the statutory guidelines. It is well settled that “[t]rial courts may reject plea agreements and that they are not bound by a jointly recommended sentence.” *State v. Underwood*, 2010-Ohio-1, ¶29; *State v. Marshall*, 2025-Ohio-3291, ¶12 (5th Dist.).

Accordingly, the trial court was not obligated to follow the recommendation. {¶15} The appellant argues that the minimum sanctions to achieve the purposes of R.C. 2929.11 were not reflected in the sentence imposed. He contends the court relied on allegations and letters that were not admitted into evidence.

However, the appellant told the trial court he had the letters attached to the presentence investigation report so the judge could look at them. Furthermore, the appellant fails to provide any analysis as to why the trial court’s consideration of these materials, or its determination that the appellant’s remorse was not genuine, constitutes error. {¶16} Based on the record before us, we conclude the trial court did not err in sentencing the appellant. {¶17} The appellant’s sole assignment of error is overruled.

CONCLUSION {¶18} For the foregoing reasons, the judgment of the Court of Common Pleas of Muskingum County, Ohio, is hereby affirmed. {¶19} Costs to the appellant. By: Baldwin, P.J. King, J. and Montgomery, J. concur.