

**IN THE COURT OF APPEALS OF OHIO  
ELEVENTH APPELLATE DISTRICT  
LAKE COUNTY**

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

CHRISTOPHER J. WILLIAMS,

Defendant-Appellant.

**CASE NO. 2025-L-124**

Criminal Appeal from the  
Court of Common Pleas

Trial Court No. 2024 CR 001304

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**OPINION AND JUDGMENT ENTRY**

Decided: October 19, 2026

Judgment: Affirmed in part, reversed in part, and remanded

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*Charles E. Coulson*, Lake County Prosecutor, and *Kristi L. Winner*, Assistant Prosecutor, Lake County Administration Building, 105 Main Street, P.O. Box 490, Painesville, OH 44077 (For Plaintiff-Appellee).

*Vanessa R. Clapp*, Lake County Public Defender, and *Jamie R. Eck*, Assistant Public Defender, 100 West Erie Street, Painesville, OH 44077 (For Defendant-Appellant).

EUGENE A. LUCCI, J.

{¶1} Appellant, Christopher J. Williams, appeals the judgment of the Lake County Court of Common Pleas, after trial by jury, finding him guilty of one count of trafficking in heroin, a felony of the fifth degree; one count of corrupting another with drugs, a felony of the second degree; and one count of involuntary manslaughter, a felony of the first degree. The trial court merged the corrupting another with drugs count and the involuntary manslaughter count for purposes of sentencing. Mr. Williams challenges the sufficiency and the weight of the evidence upon which the conviction of involuntary

manslaughter was premised.<sup>1</sup> We affirm Mr. Williams’s conviction. We, however, reverse the trial court’s judgment on sentence and remand the matter for further proceedings in accordance with this court’s order.

### **Procedural History**

{¶2} On November 1, 2024, Mr. Williams was indicted by the Lake County Grand Jury on three counts: Count One, trafficking in heroin, a felony of the fifth degree, in violation of R.C. 2925.03(A)(1); Count Two, corrupting another with drugs, a felony of the second degree, in violation of R.C. 2925.02(A)(3); and Count Three, involuntary manslaughter, a felony of the first degree, in violation of R.C. 2903.04(A). Mr. Williams pleaded not guilty to all counts, and the case proceeded to a jury trial.

{¶3} The case was tried to a jury on July 29 through 31, 2025. After hearing the evidence, the jury returned guilty verdicts on all counts. At the time of sentencing, after the merger of Counts Two and Three, the court sentenced Mr. Williams to a stated prison term of 12 months on Count One and to an indefinite term of a minimum of eight years up to a maximum of 12 years on Count Three, with credit for 51 days of time already served. The sentencing entry does not state whether the term imposed on Count One is to be served concurrently with or consecutively to the term imposed on Count Three; concurrent service is therefore presumed. See R.C. 2929.41(A).

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1. Mr. Williams directly challenges the jury’s verdict regarding the corrupting-another-with-drugs count and the involuntary manslaughter count. The trial court, however, merged these verdicts for purposes of sentencing, and the State elected to proceed to sentencing on the involuntary manslaughter count. In this respect, we shall only address Mr. Williams’s arguments relating to the involuntary manslaughter conviction because the corrupting-another-with-drugs verdict was merged and therefore not a formal conviction. See Crim.R. 32(C) (“[a] judgment of conviction shall set forth the fact of conviction and the sentence”); see also *State v. Whitfield*, 2010-Ohio-2, ¶ 12 (for purposes of R.C. 2941.25, “a ‘conviction’ consists of a guilty verdict and the imposition of a sentence or penalty”); *State v. Thompson*, 2018-Ohio-4177, ¶ 14 (11th Dist.).

{¶4} The trial court journalized its sentencing entry on September 16, 2025. That entry is a final, appealable order. See R.C. 2505.02(B)(1). Mr. Williams filed his notice of appeal on October 16, 2025, within the time permitted by App.R. 4(A)(1). We therefore have jurisdiction to review the trial court's judgment.

### **Facts Leading to Charges**

{¶5} Shortly after 8:00 p.m. on November 8, 2023, the Lake County Sheriff's Office received a call regarding an unresponsive male, later identified as M.G., located at the Goodwill store, 2175 Mentor Avenue in Painesville Township, Ohio. At the store's closing time, an employee had located the unresponsive male in the store's restroom. A Lake County Sheriff deputy responded to the scene and was able to open the locked bathroom stall. Upon doing so, the officer observed "a white male slumped over on the toilet leaning against the wall on his right side, and his face was blue. He appeared to be deceased for several hours."

{¶6} Painesville Township Fire Department was called to the scene and further verified that there was no pulse. The Lake County Coroner was contacted at this time. Sometime later, M.G.'s body was taken to the morgue where a medical examiner from the Lake County Coroner's office drew femoral blood which was sent to an Axis Forensic Toxicology lab for toxicology testing.

{¶7} After securing photographs of the scene, Sergeant John Kelley of the Lake County Sheriff's Office removed a wallet from the pocket of the deceased's sweatpants to obtain identification. In addition to identification, the officer found a folded paper bundle containing a white powdery substance and a small plastic straw. The officer secured the items as evidence. M.G.'s cell phone was also collected and secured from the scene.

{¶8} After reviewing video footage from Goodwill, investigators determined that M.G. arrived at Goodwill just before 1:00 p.m. on November 8, and upon entering the store, he went directly towards the bathroom. He never exited the bathroom.

{¶9} Detective Thomas McClurkin of the Lake County Sheriff's Office, by means of a forensic extraction of the contents of M.G.'s phone, located a Facebook Messenger conversation that had occurred between M.G. and Mr. Williams on November 8, 2023 beginning at 10:03 a.m. Based on his experience working in Narcotics, Detective McClurkin concluded the contents of the conversation were of M.G. and Mr. Williams setting up a drug deal whereby M.G. was arranging to buy drugs from Mr. Williams. In the conversation between M.G. and Mr. Williams, the two agreed to meet at a local Meijer supermarket. Further, it was determined from M.G.'s phone extraction that he was picked up at around 11:08 a.m. from 7590 Mentor Avenue in Mentor, Ohio, and was taken to 9200 Mentor Avenue, Mentor, Ohio, which is the Meijer supermarket. M.G. arrived, via Uber, at Meijer at 11:30 a.m.

{¶10} Still-shot images from Meijer video surveillance showed a sequence of events beginning with M.G. arriving at Meijer and exiting his Uber ride. M.G. could be seen entering the Meijer bathroom at 11:30 a.m. At 11:43 a.m., 13 minutes later, M.G. could be observed walking out of the Meijer bathroom. At this point, Mr. Williams arrived at Meijer and was seen entering the store through the east side doors while M.G. was on his cell phone walking through the west side doors. The next image portrayed M.G. walking into the bathroom, followed by another image of Mr. Williams walking into the bathroom approximately nine seconds later.

{¶11} M.G. then left the bathroom less than a minute later and walked directly to the cafeteria area, where he grabbed what appeared to be a straw. Mr. Williams left the bathroom less than two minutes later. Next, Mr. Williams was seen leaving the store, while M.G. was seen walking back into the bathroom. M.G. re-entered the bathroom at 11:50 a.m. and did not exit again until 12:27 p.m. Upon exiting the store, M.G. could be seen walking out of Meijer's west side doors holding and wiping his nose.

{¶12} Pursuant to an additional still image, M.G. appeared to be walking off Meijer's property in an eastward direction. Twenty-four minutes after M.G. was observed leaving the Meijer parking lot, he was captured on video entering the Goodwill store at 12:53 p.m.

{¶13} The Lake County Crime Lab conducted testing on the contents of the folded paper bindle and the straw that were found in M.G.'s wallet. The powdery substance, contained in the folded paper bindle, tested positive for 0.14 grams of heroin, despropionyl fentanyl (also known as 4-ANPP), fentanyl, and xylazine. The plastic straw contained fentanyl residue.

{¶14} Additionally, the toxicology results of M.G.'s femoral blood tested positive for 4-ANPP, fentanyl, norfentanyl, and cotinine. M.G.'s cause of death was determined to be intoxication due to fentanyl.

{¶15} Mr. Williams now appeals and asserts the following two assignments of error:

[1.] The trial court erred to the prejudice of the defendant-appellant when it denied his motion for acquittal under Crim.R. 29(A)

[2.] The jury erred to the prejudice of the defendant-appellant when it returned a verdict of guilty on counts two and three against the manifest weight of the evidence.

(Sic. throughout.)

### **Standard of Review**

{¶16} “[A] ‘sufficiency’ argument raises a question of law as to whether the prosecution was able to present some evidence concerning each element of the charged offense.” (Citation omitted.) *State v. Windle*, 2011-Ohio-4171, ¶ 25 (11th Dist.). “[T]he proper inquiry is whether, after viewing the evidence most favorably to the prosecution, the jury could have found the essential elements of the crime proven beyond a reasonable doubt.” (Citation omitted.) *State v. Troisi*, 2008-Ohio-6062, ¶ 9 (11th Dist.). A motion for judgment of acquittal under Crim.R. 29(A) tests the sufficiency of the evidence, and we therefore review the denial of such a motion de novo.

{¶17} In contrast, a court reviewing the manifest weight observes the entire record, weighs the evidence and all reasonable inferences, considers the credibility of the witnesses and determines whether, in resolving conflicts in the evidence, the jury clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered. *State v. Thompkins*, 1997-Ohio-52, ¶ 25; *State v. Wells*, 2012-Ohio-4459, ¶ 56 (11th Dist.). Reversal on manifest-weight grounds is reserved for “the exceptional case in which the evidence weighs heavily against the conviction,” *Thompkins* at ¶ 25, and, in a trial by jury, it requires the unanimous concurrence of all three judges of the panel. *Id.* at paragraph four of the syllabus; Ohio Constitution, art. IV, § 3(B)(3).

{¶18} Ohio courts have “long held that circumstantial evidence is sufficient to sustain a conviction if that evidence would convince the average mind of the defendant’s guilt beyond a reasonable doubt,” as circumstantial evidence is accorded equal weight and given the same deference as direct evidence. *State v. McKnight*, 2005-Ohio-6046, ¶ 75, quoting *State v. Heinish*, 50 Ohio St.3d 231, 238 (1990). See also *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph one of the syllabus; *State v. Seymour*, 2026-Ohio-1249, ¶ 18 (“Sufficiency-of-the-evidence review is not limited exclusively to testimony and other forms of direct evidence.”).

### **First Assignment of Error: Sufficiency of the Evidence**

{¶19} Mr. Williams challenges his conviction under Count Three, i.e., involuntary manslaughter. Because the predicate felony supporting that count was trafficking in heroin, as charged in Count One, we must also address the elements of that offense.<sup>2</sup>

{¶20} R.C. 2903.04(A) governs the crime of involuntary manslaughter. It provides: “No person shall cause the death of another . . . as a proximate result of the offender’s committing or attempting to commit a felony.” The requisite culpable mens rea “is the same as the culpable mental state of the underlying offense.” *State v. Leffel*, 2019-Ohio-1840, ¶ 17 (11th Dist.).

{¶21} Here, the predicate felony is trafficking in heroin, in violation of R.C. 2925.03(A)(1).

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2. Mr. Williams does not challenge his conviction for trafficking in heroin. That unchallenged felony conviction independently satisfies the predicate-felony element of R.C. 2903.04(A). Still, to conclude the predicate felony (an element of Count Three, involuntary manslaughter), satisfies due process, we must assess the State’s evidence on that charge.

{¶22} Pursuant to that statute, “[n]o person shall knowingly do any of the following: (1) Sell or offer to sell a controlled substance or a controlled substance analog[.]” The statute further provides:

If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of trafficking in heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

R.C. 2925.03(C)(6)(a).

{¶23} Mr. Williams was found guilty and later convicted of felony-five trafficking in heroin and this felony was the basis of his involuntary manslaughter conviction.

{¶24} Pursuant to R.C. 2901.22(B), a person acts “knowingly,” irrespective of his or her purpose:

when the person is aware that the person’s conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.

{¶25} “The legal concept of ‘knowingly’ incorporates the scienter requirement that one ought to know one’s actions will ‘probably cause certain results.’ The concept of reasonable probability literally embraces the concept of foreseeability.” *State v. Barker*, 2012-Ohio-522, ¶ 114 (11th Dist.), quoting *State v. Magnusson*, 2007-Ohio-6010, ¶ 51 (11th Dist.). This court has also observed that “[t]he possibility of overdose is a reasonably

foreseeable consequence of the sale of heroin.” *State v. Patterson*, 2015-Ohio-4423, ¶ 91 (11th Dist.).

{¶26} Accordingly, the State was required to produce evidence from which a rational trier of fact could have found, beyond a reasonable doubt, that Mr. Williams caused the death of M.G. as a proximate result of Mr. Williams’s act of knowingly selling heroin to M.G.

{¶27} The jury found Mr. Williams guilty of both corrupting another with drugs, a felony of the second degree, as well as involuntary manslaughter, a felony of the first degree. As noted above, however, the trial court merged the two crimes, and the State elected to proceed to sentencing on the involuntary manslaughter count. Because the guilty verdict on the corrupting-another-with-drugs count merged into the involuntary manslaughter count and no sentence was imposed upon it, no conviction was entered on that count and Mr. Williams’s challenge to it is moot. See App.R. 12(A)(1)(c).

{¶28} In any event, the State proved the predicate crime of trafficking in heroin to the jury beyond a reasonable doubt. Therefore, the jury necessarily found that Mr. Williams knowingly sold heroin to M.G. At issue is whether M.G.’s death was caused as a proximate result of Mr. Williams’s actions.<sup>3</sup>

{¶29} Causation under R.C. 2903.04(A) is measured by a but-for standard. In *Seymour*, 2026-Ohio-1249, the Supreme Court of Ohio applied that standard to a mixed-drug overdose death and adopted the State’s proposition that the test is satisfied by proof

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3. *Seymour*, 2026-Ohio-1249, reached the Supreme Court of Ohio on a certified conflict and on a discretionary appeal. The question presented was whether there is sufficient evidence to support convictions for involuntary manslaughter under R.C. 2903.04(A) and for corrupting another with drugs under R.C. 2925.02(A)(3) where the use of the controlled substance was a contributing factor, but not a “but-for” cause, of a mixed-drug overdose death. *Seymour* at ¶ 7. The court resolved the appeal under the but-for standard, holding the State’s evidence sufficient under that standard. *Id.* at ¶ 22-27.

that the harm would not have occurred absent the defendant's conduct. The existence of other necessary causes does not defeat but-for causation. *Id.* at ¶ 22-27. The court did not decide whether a lesser, substantial-contribution standard would also suffice; it determined instead that the proposition raising that question had been improvidently accepted. *Id.* at ¶ 27. Nor does the sufficiency inquiry demand more than the record can bear: sufficiency review "is not an exercise in scientific certainty." *Id.* at ¶ 26.

{¶30} Mr. Williams initially argues that while the jury could believe the paper bundle found in M.G.'s possession was sold to M.G. by Mr. Williams, the evidence was inadequate to support a finding that M.G. used the heroin Mr. Williams arguably sold him. As a result, Mr. Williams maintains there was insufficient evidence to conclude he caused M.G.'s death as a proximate result of trafficking. Further, Mr. Williams asserts the State offered no evidence that the paper bundle containing heroin found on M.G.'s person was the drug he used that caused his death. We do not agree with Mr. Williams's arguments.

{¶31} Dr. Mark Komar, deputy coroner of Lake County, testified M.G.'s femoral blood tested positive for fentanyl, norfentanyl, "which is a metabolite of fentanyl -- fentanyl is broken down, and the metabolite is present[,] as well as cotinine, which is a metabolite of nicotine. M.G. also had "4-ANPP" in his blood, which is a byproduct of fentanyl. Dr. Komar testified M.G. "[c]ertainly [had] a fatal level of fentanyl" in his system.

{¶32} Stuart Kurtz, a forensic toxicologist, testified on the State's behalf. Mr. Kurtz is a toxicologist with Axis Forensic Toxicology, a lab that provides testing and results "for coroners, medical examiners, pathologists, and any other investigators in the context of the medical-legal death-investigation field." Mr. Kurtz testified that norfentanyl is a primary

metabolite of fentanyl, indicating that some amount of fentanyl was metabolized prior to M.G.'s death.

{¶33} According to Mr. Kurtz, “[h]eroin has an extremely short half-life in the body, it’s about two to five minutes, and so it’s extremely difficult to find it in blood specimens, but the first major metabolite, 6-acetylmorphine, sticks around for a bit little [sic] longer. It has a half-life of about 15 to 30 minutes, and so it can be detectable for a longer period of time.” Mr. Kurtz noted that “a metabolite is the breakdown of the drug that your body produces in order to excrete it typically via the urine.” In this regard, Mr. Kurtz observed that when he identifies “heroin” in blood, it is generally through evidence of its metabolite, 6-acetylmorphine.

{¶34} M.G.'s time of death was approximately 4:00 p.m. Under the circumstances, nearly four hours elapsed between M.G.'s alleged ingestion of the drugs at Meijer and his death. Hence, there was ample time for the heroin to fully metabolize prior to M.G.'s passing.

{¶35} Mr. Kurtz also testified that xylazine was present in M.G.'s blood. He testified:

[x]ylazine is a veterinary drug. It is not approved for any human use. It’s typically used as a sedative in veterinary procedures. It’s also used in some research labs to assist in sedation of laboratory animals such as mice or rats. It has in the last sort of five to six years shown up in the illicit drug supply as an adulterate [sic], and it’s unclear why this is, but it’s primarily found in fentanyl samples, and it has been detected with other drugs as well.

{¶36} Because there was evidence that xylazine is used as a mix to “adulterate” fentanyl, it may or may not appear in toxicology results. In effect, the presence of xylazine in M.G.'s blood does not undermine the State’s theory of the case.

{¶37} Additionally, forensic analyst, Brian Marosan, testified that the peaks relating to xylazine and heroin were significantly smaller than those for fentanyl and 4-ANPP. He stated:

The 4-ANPP, or despropionyl fentanyl, and fentanyl were at stronger peaks than the xylazine and the heroin. . . . There are several reasons as to why the peaks may be of a different size. One of them typically is that the concentration of those components in the sample with larger peaks is the result of stronger or more concentrated substances. Also, depending on the solvent that is used in the analysis, different substances aren't as soluble in other solvents as other drugs may be, and therefore, the signal may be reduced. Another reason for the differences in the peak heights in chromatography could be due to the chemistries of the drugs that are present and their interactions with the piece of laboratory equipment. So there could be a number of reasons as to why the signals aren't equal in samples.

{¶38} Mr. Marosan indicated that there was a potentially stronger presence of fentanyl and 4-ANPP found inside the mixture found in the bindle. But the straw allegedly used by M.G. only contained fentanyl residue. Still, he suggested these findings would not be inconsistent with the test results of the substances found in the bindle and the substances traced in M.G.'s femoral blood.

{¶39} Taken together, this evidence supplies each link in the chain. The bindle Mr. Williams sold to M.G. contained heroin, despropionyl fentanyl, fentanyl, and xylazine. The straw M.G. retrieved at Meijer carried fentanyl residue. M.G.'s femoral blood contained fentanyl, norfentanyl, and 4-ANPP, and his cause of death was intoxication due to fentanyl.

{¶40} Two constituents of the bindle—heroin and xylazine—were not detected in M.G.'s blood, and we do not minimize that. But the State's witnesses accounted for both absences: heroin and its metabolite have half-lives short enough to have cleared in the

hours between ingestion and death; and xylazine, a substance and/or sedative used to adulterate an illicit drug, may or may not appear in blood toxicology results. As noted, sufficiency review “is not an exercise in scientific certainty.” *Seymour*, 2026-Ohio-1249, at ¶ 26. Viewing this evidence in the light most favorable to the prosecution, a rational trier of fact could have found beyond a reasonable doubt that M.G. died as a proximate result of Mr. Williams’s trafficking in heroin.

**Second Assignment of Error: Manifest Weight of the Evidence**

{¶41} Next, Mr. Williams argues his conviction for involuntary manslaughter was not supported by the weight of the evidence. Mr. Williams specifically argues that M.G.’s death cannot necessarily be attributed to his sale of drugs to M.G. on November 8 because M.G. was actively obtaining and using drugs during the two days prior to his death. Mr. Williams maintains that because M.G.’s overdose death cannot be clearly attributed to the isolated incident regarding the possible ingestion of drugs sold to M.G. by him, the State failed to establish persuasive evidence, beyond a reasonable doubt, that the drugs he ingested on November 8 were those provided by Mr. Williams.

{¶42} The record demonstrates that, on November 6, two days prior to M.G.’s death, he overdosed and required Narcan to revive him. On November 7, M.G. obtained additional drugs from a third party at a convenience store in Eastlake, Ohio, and consumed the drugs on that day. Then, on November 8, M.G. arranged to meet with Mr. Williams at Meijer. While at Meijer, M.G. retrieved a straw from the cafeteria area and was later observed repeatedly wiping his nose as he exited the restroom.

{¶43} On this record, although Mr. Williams speculates that M.G. may have obtained drugs from a different source after leaving Meijer (because of his pattern of

obtaining and apparent habit of immediately using the drugs), there was no evidence of a different transaction after Mr. Williams met with M.G. at Meijer. The jury could reasonably conclude, based upon the circumstantial evidence *and* M.G.'s pattern of purchasing and promptly using drugs, that he ingested the drugs sold by Mr. Williams on November 8.

{¶44} It is additionally reasonable for the jury to infer that M.G. no longer possessed drugs from prior purchases because he had already ingested the same. Even though Mr. Williams presents alternative explanations of M.G.'s death, a conviction is not against the manifest weight of the evidence simply because the jury chose one reasonable interpretation over a differing, potential interpretation. *State v. Hodges*, 2020-Ohio-4693, ¶ 73-76, 89 (11th Dist.) (concluding that a jury's verdict is not against the weight of the evidence simply because it chose to believe certain testimony as any new details or theories did not render the evidence upon which the jury relied unbelievable).

{¶45} Moreover, as set forth above, the Lake County Crime Lab's testing of the paper bindle and the straw found on M.G.'s person, together with the toxicology of his femoral blood, militates in favor of the State's theory of the case. The powdery substance tested positive for 0.14 grams of heroin. Moreover, Dr. Komar, the deputy coroner in this matter, stated that norfentanyl is a metabolite of fentanyl; 4-ANPP is a byproduct of fentanyl; and cotinine is a metabolite of nicotine. All of which were present in either the bindle or the straw.

{¶46} Finally, Mr. Kurtz, a forensic toxicologist, testified that heroin, which was found in the bindle, has a very short half-life in the human body—two to five minutes. He asserted that it is extremely difficult to find in blood specimens, but heroin's major

metabolite, 6-acetylmorphine, remains slightly longer, approximately 15 to 30 minutes. Given the testimony about the speed with which heroin and its metabolite break down, it is not surprising that neither heroin nor 6-acetylmorphine were found in the femoral blood of M.G.

{¶47} M.G. was seen exiting Meijer at approximately 12:30 p.m. and entering Goodwill near 1:00 p.m. His time of death was determined to be approximately 4:00 p.m. Given Mr. Kurtz's testimony, there was more than enough time for the heroin to metabolize and for its metabolite to clear, rendering both arguably undetectable.

{¶48} Further, this analysis does not turn on precisely where M.G. ingested the drugs. Whether he used them in the Meijer restroom before 12:27 p.m. or in the Goodwill restroom after entering that store at 12:53 p.m., roughly three to four hours passed before his death at approximately 4:00 p.m.—on this testimony, ample time in either case for heroin and its metabolite to fall below detection.

{¶49} Considering the foregoing, we conclude the manifest weight of the evidence supports the jury's verdict. While alternative explanations for M.G.'s death may exist, there was no evidence to support such explanations. The jury did not lose its way in convicting Mr. Williams. This is not the exceptional case in which the evidence weighs heavily against the conviction.

### **Merger of Count One and Count Three**

{¶50} Although Mr. Williams did not raise the issue of merger in his appellate brief, this court, on August 31, 2026, requested the parties for limited briefing on this point. Both Mr. Williams and the State responded by filing briefs accordingly.

{¶51} In his brief, Mr. Williams maintained that the underlying offense, involuntary manslaughter (Count Three) could not have been committed without the predicate offense, trafficking in heroin (Count One). Mr. Williams maintains that there was no separate harm because the victim involved the same individual. He also asserts that the offenses were committed together and without a separate animus. Thus, Count One and Count Three should have merged for purposes of sentencing.

{¶52} The State appears to acknowledge the evidence that the offenses (under governing law) were committed together with no separate animus. The State, however, asserts that the trafficking count and the involuntary manslaughter count were offenses of dissimilar import. Specifically, the State claims that there were separate victims and the harm was separate and identifiable. *See State v. Ruff*, 2015-Ohio-995, ¶ 23. In particular, the State argues that, pursuant to authority in the Twelfth and Fourth Districts, for purposes of merger, separate harm exists where there is an involuntary manslaughter (where the victim is the deceased) and the sale of drugs (which victimizes the “public at large”). *State v. Workman*, 2017-Ohio-2802, ¶ 23 (12th Dist.) (“The record indicates that the victim of the trafficking was the public at large, and the victim involved in the corruption charge was Workman’s stepson. Even though the presence of Workman’s stepson elevated the trafficking offense to a second-degree felony, such presence did nothing to change the victim of the trafficking offense from being the general public.”); *see also State v. Barnett*, 2026-Ohio-1604, ¶ 61 (12th Dist.) (“Drug-trafficking laws protect society from the corrosive effects of drug distribution. These harms exist regardless of whether any particular buyer suffers a fatal overdose.”); *State v. Bontrager*, 2022-Ohio-1367, ¶ 16 (4th

Dist.) (“The victim of these offenses was society in general, and the harm was not separate and identifiable.”).

{¶53} Given this adumbration of the parties’ positions, we point out Mr. Williams’s failure to raise allied offenses in the trial court forfeits all but plain error, and he bears the burden of demonstrating a reasonable probability that the offenses are allied. *State v. Rogers*, 2015-Ohio-2459, ¶ 3, 22-25. We hold that burden is met on the face of this record.

{¶54} R.C. 2941.25(A) provides that “[w]here the same conduct by defendant can be construed to constitute two or more allied offenses of similar import, the indictment or information may contain counts for all such offenses, but the defendant may be convicted of only one.”

{¶55} Further, in *Ruff*, the Supreme Court of Ohio held:

Under R.C. 2941.25(B), a defendant whose conduct supports multiple offenses may be convicted of all the offenses if any one of the following is true: (1) the conduct constitutes offenses of dissimilar import, (2) the conduct shows that the offenses were committed separately, or (3) the conduct shows that the offenses were committed with separate animus.

*Ruff*, 2015-Ohio-995, at paragraph three of the syllabus; *see also id.* at ¶ 31.

{¶56} We shall first address the State’s argument, supported by citations from the Twelfth and Fourth Districts, suggesting that this court should decline merger on the specific counts at issue because the offenses were of dissimilar import. The State argues that involuntary manslaughter involves a harm to an individual victim who died; it however claims the predicate or substrate act of trafficking in heroin involves a harm to society, the public, the citizenry, or the State of Ohio in general. As such, the State argues the crimes

at issue involved separate harms and were therefore dissimilar. We find this argument overreaching and overly broad.

{¶57} First, “society” in the abstract is a victim of all criminal activity. A discrete victim, as a member of society, has experienced this harm. This does not imply that a separate harm has occurred such that society or the public has suffered harm disconnected from that of the victim. To argue that the specific victim and society are separate and distinct victims is accordingly disingenuous. Moreover, the argument is an attempt to create an artificial, non-representational framework for redundant harm. That is, while an actual victim has been harmed and a court must acknowledge that harm, a court should not ascribe a separate, dissimilar harm by operation of a “concept” or “structure” to which the actual victim was a member.

{¶58} Moreover, even if we assume that the harm to the actual victim is not subsumed in the concept of “harm to society,” the State’s argument (as well as the Twelfth and Fourth District’s holdings), creates an unworkable analysis where merger might never be at issue.

{¶59} If society at large is the victim of a drug crime, then any crime invokes the public’s concern and the reciprocal harm that will eventuate from the alleged commission of a crime. If this court adopted this theoretical approach towards legal merger, nothing would ever merge for purposes of sentencing because *all* crimes are committed, in the abstract, against the peace and dignity of the State of Ohio.

{¶60} To the specific point, Mr. Williams’s indictment reflects this recitation; each of the indicted crimes were alleged in violation of specific statutes and “against the peace and dignity of the State of Ohio.” All criminal acts are based upon statutory enactments

designed to punish behavior which are affronts or violations against the public at large. Jurisprudentially, society is always harmed by criminal acts; this, however, does not imply the first element of the *Ruff* equation cannot be met. See *id.*, 2015-Ohio-995, at paragraph three of the syllabus. While there may be scenarios where the criminalized conduct is of dissimilar import, this case does not represent such a scenario. We therefore do not agree with the State's argument and fundamentally reject the blanket assertions of the Twelfth and Fourth Districts. Harm to society is a conceptual abstraction and cannot constitute the harm contemplated by *Ruff* in establishing the crimes at issue were of dissimilar import. We accordingly reject the State's argument.

{¶61} Under *Ruff*, we conclude the conduct in this case involves the same victim and the same harm; the crimes at issue are therefore of similar import. Further, the crimes were not committed separately because the death was a proximate result of the sale. Finally, there was no separate animus for each of the crimes. That is, the sale was knowingly executed by Mr. Williams and the overdose was a reasonably foreseeable result of the knowing sale.

{¶62} The jury was instructed that the predicate felony for involuntary manslaughter as charged in Count Three was trafficking in heroin as charged in Count One. On those instructions, the trafficking offense is an element of the involuntary manslaughter offense: Mr. Williams could not have committed Count Three without also committing Count One. Analysis of all the *Ruff* elements demonstrates that Counts One and Three are allied offenses of similar import, and Mr. Williams could be convicted of only one of them.

{¶63} Count Two, corrupting another with drugs, is likewise an offense of similar import to Count Three, and either Count One or Count Two would have supplied the predicate felony that R.C. 2903.04(A) requires. The trial court recognized as much when it merged Count Two into Count Three. It did not merge Count One, however, and it imposed a separate 12-month prison term on that count. Because Counts One and Three are allied offenses of similar import, no separate sentence could be imposed on Count One. We therefore vacate the sentence imposed on Count One. Mr. Williams could only be convicted of involuntary manslaughter because the crime of trafficking in heroin, like the crime of corrupting another with drugs, merged with the underlying count of involuntary manslaughter filed under Count Three.

{¶64} While Mr. Williams's assigned errors lack merit, this court reverses and remands the matter to the trial court to enter judgment consistent with this court's analysis and order.

### **Conclusion**

{¶65} The judgment of the Lake County Court of Common Pleas is affirmed in part, and the sentence imposed on Count One is vacated. The matter is reversed and remanded to the trial court to merge Count One and Count Three and issue a new sentencing entry in accordance with this court's determination.

JOHN J. EKLUND, J.,

ROBERT J. PATTON, J.,

concur.

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## JUDGMENT ENTRY

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For the reasons stated in the opinion of this court, appellant's assignments of error are without merit. It is the judgment and order of this court that the judgment of the Lake County Court of Common Pleas is affirmed in part, and the sentence imposed on Count One is vacated. The matter is reversed and remanded to the trial court to merge Count One and Count Three and issue a new sentencing entry in accordance with this court's determination.

Costs to be taxed equally against appellant and appellee.

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JUDGE EUGENE A. LUCCI

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JUDGE JOHN J. EKLUND,  
concur

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JUDGE ROBERT J. PATTON,  
concur

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| <p><b>THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY</b></p> |
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| <p>A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.</p> |
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