[Cite as *State v. Gillis*, 2026-Ohio-4534.]

IN THE COURT OF APPEALS

TWELFTH APPELLATE DISTRICT OF OHIO

CLINTON COUNTY

STATE OF OHIO,	:	
		CASE NOS. CA2025-09-036
Appellee,	:	CA2025-09-037
vs.	:	
		OPINION AND
CASEY GILLIS,	:	JUDGMENT ENTRY
		11/16/2026
Appellant.	:	
	:	

CRIMINAL APPEAL FROM CLINTON COUNTY COURT OF COMMON PLEAS
Case Nos. CRI 2025-5083 AND CRI 2025-5086

Brian A. Shidaker, Clinton County Prosecuting Attorney, for appellee.

Craig Newburger, for appellant.

O P I N I O N

DONOVAN, J.

{¶ 1} Defendant-appellant, Casey Gillis, appeals her convictions for one count of Aggravated Trafficking in Drugs in violation of R.C. 2925.03 (A)(1) and (C)(1)(a), a felony

of the third degree, and one count of Aggravated Possession of Drugs, R.C. 2925.11 (A)(1) and (C)(1)(a), a felony of the fifth degree in Case No. CRI 2025-5083.

{¶ 2} Pursuant to a consolidation order of this court, Gillis also appeals her conviction for one count of Aggravated Trafficking in Drugs, R.C. 2925.03(A)(1) and (C)(1)(a), a felony of the fourth degree, and one count of Aggravated Possession of Drugs, R.C. 2925.11(A) and (C)(1)(a), a felony of the fifth degree in Case No. CRI 2025-5086.

{¶ 3} On March 17, 2025, Gillis was indicted on all four counts. Thereafter, counsel for Gillis filed a "Motion to Disclose Confidential Informant" on April 30, 2025, and the trial court conducted a hearing on the 11th day of June 2025 which addressed the two separate dates as set forth in the indictments, specifically, June 16, 2024 and September 20, 2024.

{¶ 4} On July 7, 2025, the trial court rendered a comprehensive decision denying Gillis' motions seeking disclosure of the confidential informant's identity. Thereafter, on July 8, 2025, the court accepted Gillis' no contest pleas to all four counts, making a finding of guilty as to each count. On August 26, 2025, Gillis was sentenced to 18 months on Count I and nine months on Count II, with 104 days jail-time credit on each count in Case No. CRI 2025-5083, to be served concurrently. On the same date, sentence was imposed in Case No. CRI 2025-5086. As to Count I, 12 months and Count II, nine months, each with 104 days jail-time credit, to be served concurrently and concurrent with the prison terms in Case No. CRI 2025-5083.

{¶ 5} It is from these judgments that Gillis now appeals.

{¶ 6} Gillis set forth three assignments of error.

FIRST ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED TO APPELLANT'S PREJUDICE BY DENYING HER MOTION TO DISCLOSE CONFIDENTIAL INFORMANT.

ARGUMENT

{¶ 7} Gillis argues that disclosure of the confidential informant's identity was required as she raised an entrapment defense in her motions. Gillis contends that the trial court abused its discretion in denying her requests because the testimony adduced at the evidentiary hearing established that the C.I. was actively involved in all stages of the July 16, 2024 and September 20, 2024[1] drug transactions and was in fact present during the sale consummations.

{¶ 8} In making these arguments, Gillis relies primarily upon *State v. Williams*, 4 Ohio St. 3d 74, 446 N.E. 2d 779 (1983), and *State v. Feltner*, 87 Ohio App.3d 279, 622 N.E. 2d 15 (Ohio App. 1983).

{¶ 9} Appellee, the State of Ohio, relying heavily upon *Williams* also and *Rovario v. United States*, 353 U.S. 53 (1957), argues that no abuse of discretion is demonstrated because Gillis failed to meet her burden of proof to establish a particularized need for disclosure, sufficient to overcome the qualified privilege of nondisclosure. The State of Ohio maintains the court correctly concluded nothing in the evidentiary hearing record supported any suggestion of an entrapment defense, that is, the record is devoid of such facts.

TESTIMONY

{¶ 10} At the evidentiary hearing conducted on June 11, 2025, the defense called

1. Gillis' brief incorrectly dates the drug sales as 2025, but the indictment and evidentiary hearing establish the year was 2024.

several police officers: Detective Kristen Jeffers of the Village of Blanchester Police Department, Detective Karen Abbitt of the Clinton County Sheriff's Department, Detective Connor Combs of the Wilmington Police Department, and Detective Charles Kyle of the Fayette County Sheriff's Office.

{¶ 11} Detective Jeffers' testimony established she had worked with the C.I. approximately ten times. She explained the significance of a "direct-buy" which is set up in such a fashion that an undercover officer is present when a purchase takes place. This structure is intentional to protect the C.I.'s identify per Detective Jeffers. Significantly, she testified two purchases took place on July 16, 2024. Further, she testified Detective Combs was in the same vehicle with the C.I. when drugs were purchased by the C.I. from Gillis.

{¶ 12} Detective Comb's testimony established that he was seated in an SUV on July 16, 2024 with the C.I. when the C.I. purchased drugs from Gillis near 728 S. Broadway Street. Detective Combs explained this direct buy is distinguished from a controlled buy wherein the C.I. operates alone.

{¶ 13} Detective Jeffers' testimony established that the same C.I. purchased drugs again from Gillis on September 20, 2024. This time, Detective Kyle was in the same vehicle with the C.I. when the purchase from Gillis was completed at 125 Broadway in Midland.

{¶ 14} Detective Abbitt's testimony established that the C.I. worked with her as well as Detective Jeffers. Detective Abbitt merely provided surveillance on July 16, 2024 and did not witness any transaction. Detective Abbitt also did not witness the September 20, 2024 buy, but did facilitate that encounter because the C.I. had advised her another buy

could be made from Gillis.

{¶ 15} Lastly, Detective Kyle testified he assisted Detective Abbitt and Detective Jeffers on September 20, 2024 pursuant to an agreement to assist with narcotics investigations in Clinton County. Detective Kyle testified that he was the undercover officer who was present when the C.I. purchased drugs from Gillis near 125 Broadway Street, Midland, Ohio, on September 20, 2024. Detective Kyle testified that he witnessed the entire transaction and later identified Gillis through OHLEG as the seller.[2]

ANALYSIS

{¶ 16} A trial court's decision regarding the disclosure of a confidential informant's identity is reviewed under an abuse of discretion standard. *State v. Stevenson*, 2004-Ohio-4783 (12th Dist.).

{¶ 17} An abuse of discretion implies that the trial court's decision was unreasonable, arbitrary, or unconscionable, and not merely an error of law or judgment. *Id.*

{¶ 18} As this court emphasized in *State v. Dennis*, 2012-Ohio-4877 (12th Dist.), the determination of whether to disclose the identity of a confidential informant involves the balancing of competing interests. *State v. Williams*, 4 Ohio St.3d 74, 75 (1983), citing *State v. Phillips*, 27 Ohio St.3d 294 (1971). A trial court must balance a defendant's constitutional right to confront accusers against him with the public's interest in protecting the flow of information to the government. *Id.* When "the testimony of the informant is vital to establishing an element of the crime or would be helpful or beneficial to the accused in preparing or making a defense to criminal charges" an accused is entitled to disclosure

2. OHLEG Is the Ohio Law Enforcement Gateway, an information network that allows law enforcement agencies to share criminal justice information.

of the identity of the confidential informant. *Williams* at syllabus. The defendant bears the burden of establishing the need for disclosure. *State v. Pointer*, 2010-Ohio-5067, ¶ 8 (12th Dist.).

{¶ 19} In general, courts have compelled disclosure when the informant helped set up the commission of the crime and was the sole witness to its occurrence. *Roviaro v. United States*, 353 U.S. 53, 64-65, (1957); *Phillips* at 298-299; *State v. Gales*, 143 Ohio App.3d 55, 63 (8th Dist.2001). However, when another individual also witnesses the crime's occurrence, courts have not compelled disclosure. This is the case even when the informant has arranged the commission of the crime. *Williams* at 76; *State v. Mahan*, 2003-Ohio-5430, ¶ 23 (12th Dist.); *State v. Moon*, 74 Ohio App.3d 162 (9th Dist.1991).

{¶ 20} The State of Ohio is correct that the evidentiary record herein unequivocally establishes that undercover officers personally observed multiple sales, hence disclosure is not compelled. Furthermore, as emphasized by the trial court in its thorough analysis of the facts and the law, "Appellant advised in her motion that she is exploring an entrapment defense, the record is completely devoid of any facts regarding what might have occurred between the appellant and the C.I. that might constitute entrapment . . . To grant a motion to compel a C.I.'s identity without some factual foundation could mean that every case would necessitate divulging the C.I.'s identity simply by waving the spectre of an entrapment defense in a pretrial motion." *State v. Gillis*, Clinton, C.P. CRI 2025-083, CRI 2025-086, (July 7, 2025).

{¶ 21} This is exactly why Gillis' reliance on *Feltner* is misplaced. *Feltner* recognizes mere allegations are insufficient to compel disclosure.

{¶ 22} The trial court properly relied upon *Williams* and *State v. Butler*, 9 Ohio St.

3d. 156 (1984), an alleged entrapment defense case as well, to deny Gillis' motions.

{¶ 23} No abuse of discretion having been shown, the first assignment of error is overruled.

SECOND ASSIGNMENT OF ERROR

> THE TRIAL COURT ERRED TO APPELLANT'S PREJUDICE WHEN IT FAILED TO MERGE APPELLANT'S TRAFFICKING AND POSSESSION CHARGES.

{¶ 24} Gillis contends the trial court erred by failing to merge the trafficking counts with the possession counts in both indicted cases. The State of Ohio rejects this argument, first noting that allied offense questions under R.C. 2941.25 are reviewed de novo and furthermore, merger was not requested by Gillis at sentencing, thus, plain error must be established on this record.

{¶ 25} The State of Ohio is correct, Gillis did not object when the court failed to merge any of the four counts, hence she has forfeited all but plain error. *State v. Rogers*, 2015-Ohio-2459, at ¶ 21.

{¶ 26} Under Crim.R. 52(B), "plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court." To reverse a trial court under Crim.R. 52(B), three prongs must be met: (1) there must be an error, (2) it must be "plain" within the meaning of Crim.R. 52(B); i.e., it must be an obvious defect in the trial proceedings, and (3) the error must have affected the defendant's "substantial rights." *State v Barnes*, 2002-Ohio-68, at ¶ 20.

{¶ 27} Plain error is to be invoked "with the utmost caution, under exceptional circumstances and only to prevent a manifest miscarriage of justice." *Rogers* at ¶ 3. Applying the plain error standard to an allied offense argument "an accused has the

burden to demonstrate a reasonable probability that the convictions are allied offense of similar import committed with the same conduct and without a separate animus." *Id.*

{¶ 28} Our analysis necessarily involves a legal determination premised on the specific facts of the case. In this respect, the State of Ohio correctly asserts that the plea hearing, coupled with the limited testimony presented at the hearing addressing the C.I.'s involvement, do not provide an adequate evidentiary basis to conclude merger is required.

{¶ 29} R.C. 2941.25 turns on the defendant's conduct, and merger is not automatic just because two offenses may overlap in the abstract. R.C. 2941.25(A)-(B); *State v. Ruff*, 2015-Ohio-995, syllabus. In *Ruff*, the Ohio Supreme Court clarified the applicable standard with respect to the R.C. 2941.25 merger determination as follows:

> Rather than compare the elements of two offenses to determine whether they are allied offenses of similar import, the analysis must focus on the defendant's conduct to determine whether one or more convictions may result, because an offense may be committed in a variety of ways and the offenses committed may have different import. No bright-line rule can govern every situation.
>
> As a practical matter, when determining whether offenses are allied offenses of similar import within the meaning of R.C. 2941.25, courts must ask three questions when the defendant's conduct supports multiple offenses: (1) Were the offenses dissimilar in import or significance? (2) Were they committed separately? and (3) Were they committed with separate animus or motivation? An affirmative answer to any of the above will permit separate convictions. The conduct, the animus, and the import must all be considered.

Id. at ¶ 30-31.

{¶ 30} At the plea hearing on July 8, 2025, the parties and the court addressed whether the no-contest pleas required Gillis to "admit" the prosecutor's initial proffered

factual narrative on the first count. The record establishes the prosecutor intended to provide a narrative on all counts. However, the court elected to proceed on the indictment language alone at the urging of defense counsel. The court then read each count's indicted statutory language and asked whether Gillis contested those alleged facts, and she responded that she did not. On that basis, the court accepted the pleas of no contest and found Gillis guilty on all four counts.

{¶ 31} This limited plea record does not establish the factual predicate appellant needs for this court to address animus and conduct. In Case No. CRI 2025-5083, Count One alleged aggravated trafficking by selling or offering to sell methamphetamine "in an amount less than bulk amount" and within the vicinity of a juvenile. Count Two alleged aggravated possession by obtaining, possessing, or using methamphetamine—but it did not identify any amount or otherwise tie the possession count to the same quantity involved in the trafficking count. In Case No. CRI 2025-5086, Count One likewise alleged aggravated trafficking by selling or offering to sell methamphetamine "in an amount less than bulk amount," and Count Two alleged aggravated possession without any quantity of drugs specifically identified.

{¶ 32} The record below simply does not affirmatively establish merger was required pursuant to R.C. 2941.25. In fact, Gillis' brief is devoid of any legal analysis on the issue, short of suggesting the "direct-buy" amounts were necessarily the only quantity of drugs in the possession of Gillis. This is not entirely clear from the evidentiary record developed during the "C.I. hearing" nor the plea hearing. As it is not a fully developed record, we cannot determine if Gillis separately possessed drugs for her personal use and/or retained additional drugs.

{¶ 33} Accordingly, plain error is not established and Gillis' second assignment of error is overruled.[3]

THIRD ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED TO APPELLANT'S PREJUDICE WHEN IT IMPOSED A PRISON SENTENCE.

{¶ 34} Gillis argues that her prison sentence constitutes an abuse of discretion because her criminal behavior was "grounded in addiction." Thus she suggests that the sentence imposed was necessarily arbitrary and unreasonable.

{¶ 35} However, this is not the governing law and relief is unavailable under R.C. 2953.08 (G)(2) when the sentence is within range and the record reflects consideration of the governing statutes. *State v. Jones*, 2020-Ohio-6279, at ¶ 12, ¶ 28-29.

{¶ 36} More importantly, Gillis has already completed her sentence and is not on postrelease control. We take judicial notice of the Ohio Department of Rehabilitation and Correction Website, confirming this fact. Because Gillis has completely served her sentence and is not on postrelease control, there is no meaningful relief we can provide her regarding the imposition of sentence. Hence, this assignment of error is moot as we have similarly held in *State v. Murphy*, 2021-Ohio-1452, ¶ 7 (12th Dist.).

{¶ 37} Having found all three assignments of error without merit, the judgment of the trial court is affirmed.

{¶ 38} Nevertheless, a limited remand is necessary to correct the sentencing entries which indicate Gillis pled guilty rather than no contest. Pursuant to Crim.R. 36, the trial court can correct this error at any time to ensure that the entry conforms to the

3. Although Gillis has already served her total prison term, her merger argument unlike her Third Assignment of Error is not rendered moot.

transcript of proceedings. This mistake can be addressed by the trial court in a nunc pro tunc entry identifying the pleas as no contest. *See generally State v. Tolliver*, 2025-Ohio-132, ¶ 7.

{¶ 39} Judgment affirmed, but remanded for the limited purpose of nunc pro tunc corrections of the sentencing entries.

HENDRICKSON, P.J. and M. POWELL, J., concur.

Donovan, J., retired, of the Second Appellate District, sitting by assignment of the Chief Justice, pursuant to Section 6(C), Article IV of the Ohio Constitution.

JUDGMENT ENTRY

The assignments of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, affirmed, but remanded for the limited purpose of a nunc pro tunc correction of the sentencing entries consistent with the above Opinion.

It is further ordered that a mandate be sent to the Clinton County Court of Common Pleas for execution upon this judgment and that a certified copy of this Opinion and Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed in compliance with App.R. 24.

/s/ Robert A. Hendrickson, Presiding Judge

/s/ Mike Powell, Judge

/s/ Mary E. Donovan, Judge