

IN THE COURT OF APPEALS OF OHIO  
SECOND APPELLATE DISTRICT  
CLARK COUNTY

STATE OF OHIO

Appellee

v.

WILLIAMSON BEAUVAIS

Appellant

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C.A. No. 2025-CA-89

Trial Court Case No. 25-CR-0157

(Criminal Appeal from Common Pleas  
Court)

**FINAL JUDGMENT ENTRY &  
OPINION**

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Pursuant to the opinion of this court rendered on September 11, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



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MARY K. HUFFMAN, JUDGE

LEWIS, P.J., and HANSEMAN, J., concur.

**OPINION**  
CLARK C.A. No. 2025-CA-89

JOHN RUTAN, Attorney for Appellant  
JOHN M. LINTZ, Attorney for Appellee

HUFFMAN, J.

{¶ 1} Williamson Beauvais appeals from a judgment entry of conviction of one count each of abduction and strangulation. For the following reasons, the judgment of the Clark County Common Pleas Court is affirmed.

**Facts and Procedural History**

{¶ 2} On March 4, 2025, Beauvais was indicted on the above two counts. The charges arose from Beauvais’s attack of his former girlfriend, P.G., on February 25, 2025, at her mother’s home. The attack occurred when P.G. arrived at the residence and saw Beauvais walking toward her vehicle. She tried to close her car door, but Beauvais prevented her from closing it, strangled her, pulled her from the car, and struck her.

{¶ 3} A jury trial occurred on October 28, 2025. Beauvais was found guilty as charged, and disposition occurred on November 18, 2025. The court sentenced Beauvais to 18 months for strangulation and 30 months for abduction, to be served consecutively for an aggregate term of 48 months. He timely appealed.

**Assignments of Error and Analysis**

I. Manifest Weight

{¶ 4} Beauvais asserts three assignments of error. He initially argues that his conviction for abduction is against the manifest weight of the evidence. Citing *State v. Turner*, 2024-Ohio-684 (2d Dist.), Beauvais argues that this court “recognizes that movement which is merely incidental to another offense, and which does not substantially

increase the risk of harm or have an independent significance, may not support a separate abduction conviction.” Appellant’s Brief, p. 3. Beauvais claims that where the restraint is merely inherent in assaultive conduct, there is no independent animus supporting abduction. He argues that there was no evidence that he removed P.G. “from one location to another, held her for any extended period, or restrained her liberty in any manner that exceeded what was necessary to commit the alleged strangulation.” *Id.* Beauvais asserts that the State failed to adduce any evidence that “the restraint and movement had any purpose or significance independent from facilitating the assault and strangulation.” *Id.*

{¶ 5} A weight of the evidence argument challenges the believability of the evidence and asks which of the competing inferences suggested by the evidence is more believable or persuasive. *State v. Wilson*, 2009-Ohio-525, ¶ 12 (2d Dist.), citing *State v. Hufnagel*, 1996 WL 501470, \*3 (2d Dist. Sept. 6, 1996). The proper test to apply to a manifest weight of the evidence inquiry is set forth in *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983): “[T]he court, reviewing the entire record, weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the jury lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered.”

{¶ 6} “In order to find that a manifest miscarriage of justice occurred, an appellate court must conclude that a guilty verdict is ‘against,’ that is, contrary to, the manifest weight of the evidence presented.” *Wilson* at ¶ 14, citing *State v. McDaniel*, 1998 WL 214606 (2d Dist. May 1, 1998). “In a manifest-weight analysis, the credibility of the witnesses and the weight to be given to their testimony are primarily for the trier of facts to resolve.” *State v. Owings*, 2014-Ohio-3953, ¶ 9 (2d Dist.), citing *State v. DeHass*, 10 Ohio St.2d 230 (1967). “Because the factfinder, be it the jury, or, . . . the trial judge, has the opportunity to see and

hear the witnesses, the cautious exercise of discretionary power of a court of appeals to find that a judgment is against the manifest weight of the evidence requires that a substantial deference be extended to the factfinder's determinations of credibility.'" *Id.*, quoting *State v. Lawson*, 1997 WL 477684, \*5 (2d Dist. Aug. 22, 1997). "The decision whether, and to what extent, to credit the testimony of particular witnesses is within the peculiar competence of the factfinder, who has seen and heard the witnesses.'" *Id.*, quoting *Lawson* at \*5.

{¶ 7} R.C. 2905.02 proscribes abduction and states in relevant part:

(A) No person, without privilege to do so, shall knowingly do any of the following:

(1) By force or threat, remove another from the place where the other person is found.

(2) By force or threat, restrain the liberty of another person under circumstances that create a risk of physical harm to the victim or place the other person in fear.

{¶ 8} P.G. testified that she and Beauvais were once in a romantic relationship that lasted for 18 months, and she ended the relationship prior to February 25, 2025. On February 25, she went to her mother's home on Linwood Avenue. She opened her car door and saw Beauvais approaching her from another nearby vehicle. P.G. tried to close her car door because she did not want to speak to him, but Beauvais prevented her from doing so. According to P.G., Beauvais wanted her to return a phone he had given her as a gift, and she believed he was angry that she had ended their relationship. She testified that Beauvais choked her inside the car and impaired her ability to breathe. After that, she recounted, "he took me out of the vehicle" and said that he would kill her before she could be in another

relationship. Beauvais then held P.G. against her car and punched her, causing her to vomit. P.G. told Beauvais that she was going to call the police, and he left the scene.

{¶ 9} We conclude that Beauvais’s reliance on *Turner* is misplaced. In *Turner*, Turner claimed that his rape conviction pertaining to one victim should have merged with his kidnapping (sexual activity) and kidnapping (felony or flight) convictions involving that victim. *Id.* at ¶ 59. This court noted that it “is well established that ‘[a]ll rapes inherently involve a restraint on the liberty of another, and where the act of rape is the sole unlawful exercise of restraint on the physical liberty of another person, the law is clear that any accompanying kidnapping charge should merge with the rape charge.’” *Id.* at ¶ 61, quoting *State v. Portman*, 2014-Ohio-4343, ¶ 32 (2d Dist.), citing *State v. Logan*, 60 Ohio St.2d 126 (1979). “Therefore, ‘[w]here the restraint or movement of the victim is merely incidental to a separate underlying crime [such as rape], there exists no separate animus sufficient to sustain separate convictions[.]’” (Brackets added in *Turner*.) *Id.*, quoting *Logan* at paragraph (a) of the syllabus.

{¶ 10} While Beauvais emphasizes the “incidental” nature of his “restraint” of P.G., he was charged with a violation of R.C. 2905.02(A)(1), not a violation (A)(2). P.G. testified that after Beauvais strangled her, he forcefully removed her from inside her vehicle, where she was found, to outside her vehicle, satisfying the elements of R.C. 2905.02(A)(1). The strangulation offense had been completed before Beauvais removed P.G. In contrast, *Turner* involved an actual restraint that was inherently subsidiary to the primary offense of rape.

{¶ 11} The strangulation offense had been completed before Beauvais committed abduction, and the record contains evidence of all the elements of an abduction offense. Having reviewed the entire record, a manifest miscarriage of justice is not demonstrated.

The jury believed P.G.'s testimony, and we defer to its credibility assessment. Put differently, Beauvais's conviction for abduction is not against the manifest weight of the evidence, and his first assignment of error is overruled.

## II. Merger

{¶ 12} In his second assignment of error, Beauvais argues that his offenses were subject to merger. He claims that "the conduct underlying the abduction and strangulation counts arose from a single, continuous physical encounter," and that the "physical confrontation remained confined to the immediate area of the vehicle and did not involve transportation to a separate location." Appellant's Brief, p. 5. According to Beauvais, again, "any restraint was incidental to the underlying assaultive conduct rather than the product of a distinct animus." *Id.* at 6. He claims that "the restraint had no purpose apart from the assaultive conduct itself," and such restraint "cannot support an independent abduction conviction." *Id.* at 7.

{¶ 13} The Double Jeopardy Clause of the United States Constitution protects against multiple punishments for the same criminal conduct. *State v. Ruff*, 2015-Ohio-995, ¶ 10. "A defendant may be indicted and tried for allied offenses of similar import, but may be sentenced on only one of the allied offenses." *State v. Whitfield*, 2010-Ohio-2, ¶ 17. When a defendant's conduct supports multiple offenses, courts conduct an allied offenses analysis to determine if the charges merge or if the defendant may be convicted of separate crimes. This process is governed by R.C. 2941.25, which provides:

(A) Where 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.

(B) Where the defendant's conduct constitutes two or more offenses of dissimilar import, or where his conduct results in two or more offenses of the same or similar kind committed separately or with a separate animus as to each, the indictment or information may contain counts for all such offenses, and the defendant may be convicted of all of them.

"At its heart, the allied-offense analysis is dependent upon the facts of a case because R.C. 2941.25 focuses on the defendant's conduct." *Ruff* at ¶ 26.

{¶ 14} "In determining whether offenses are allied and should be merged for sentencing, courts are instructed to consider three distinct factors: the conduct, the animus, and the import." *State v. Hess*, 2023-Ohio-3658, ¶ 9 (2d Dist.), citing *Ruff* at paragraph one of the syllabus. "Offenses do not merge and a defendant may be convicted and sentenced for multiple offenses if any of the following are 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.'" *Id.*, quoting *Ruff* at paragraph three of the syllabus and ¶ 25. "[T]wo or more offenses of dissimilar import exist within the meaning of R.C. 2941.25(B) when the defendant's conduct constitutes offenses involving separate victims or if the harm that results from each offense is separate and identifiable." *Ruff* at ¶ 23; see also *State v. Williams*, 2018-Ohio-1647, ¶ 23 (2d Dist.). "We have held that when one offense is completed prior to the completion of another offense during the defendant's course of conduct, those offenses are separate acts." *State v. Mooty*, 2014-Ohio-722, ¶ 49, citing *State v. Turner*, 2011-Ohio-6714, ¶ 24 (2d Dist.). "The defendant bears the burden of establishing that offenses should be merged as allied offenses." *State v. Frazier*, 2021-Ohio-4155, ¶ 20 (2d Dist.).

{¶ 15} An appellate court reviews the trial court's merger determination de novo. *State v. Bailey*, 2022-Ohio-4407, ¶ 6. However, failure to raise the issue of merger in the trial court forfeits all but plain error, and the error is not reversible unless it affects the outcome of the proceeding and reversal is necessary to correct a manifest injustice. *State v. Rogers*, 2015-Ohio-2459, ¶ 22. Because Beauvais did not object to the trial court's alleged failure to merge his offenses, the plain error standard applies here.

{¶ 16} Beauvais directs our attention to *State v. Merz*, 2021-Ohio-2093 (1st Dist.). In *Merz*, the defendant pleaded guilty to gross sexual imposition and abduction. *Id.* at ¶ 1. The charges related to an incident where Merz sexually abused his stepdaughter. During the incident, Merz took his stepdaughter to a secluded, wooded area along the Ohio River. *Id.* at ¶ 2. Once there, Merz began kissing her on the neck. When she demanded that he stop, he pushed her onto the front passenger seat of his vehicle where he got on top of her and began to grope her. *Id.* She managed to push him out of the van, lock herself in the vehicle, and call the police. *Id.* at ¶ 3.

{¶ 17} The First District found plain error in the trial court's failure to merge the offenses, noting, "‘Animus’ means ‘purpose, or more properly, immediate motive’ and ‘requires us to examine the defendant’s mental state in determining whether two or more offenses may be chiseled from the same criminal conduct.’" *Id.* at ¶ 10, quoting *State v. Bailey*, 2015-Ohio-2997, ¶ 86 (1st Dist.), quoting *State v. Logan*, 60 Ohio St.2d 126, 131 (1979). *Merz* further indicated, "‘We determine the animus, one’s immediate motive or purpose, by dissecting the facts and circumstances in evidence, including the means used to commit the offense.’" *Id.*, quoting *Bailey* at ¶ 86.

{¶ 18} It was significant to the court in *Merz* that "the offenses transpired simultaneously in the same location. The restraint occurred only during—and as part of—

the sexual assault, precluding any possibility that the two offenses were separately committed.” *Id.* at ¶ 16. The court concluded that “Merz’s abduction of his stepdaughter had no significance apart from facilitating the GSI. The two offenses were not of dissimilar import, were not committed separately, and were not motivated by a separate animus.” *Id.* at ¶ 17.

{¶ 19} Unlike *Merz*, *State v. Smallwood*, 2025-Ohio-1001 (6th Dist.), is instructive. In *Smallwood*, the defendant was convicted of multiple crimes, and he argued, in part, that the trial court erred in failing to merge his abduction conviction into his attempted murder offense. *Id.* at ¶ 39. The Sixth District determined that although there was only one victim, the abduction conviction did not merge with the attempted murder conviction, which was committed by strangulation. *Id.* at ¶ 46-47. The court reasoned that after the strangulation, Smallwood committed a separate act by chasing the victim into a bathroom and confining her there, thereby committing abduction at a separate time and with separate harm, precluding merger. *Id.* at ¶ 44, 46.

{¶ 20} Turning to this case, R.C. 2903.18(B)(3) proscribes strangulation and states: “(B) No person shall knowingly do any of the following: . . . (3) Cause or create a substantial risk of physical harm to another by means of strangulation or suffocation.” The elements of abduction are set forth in our analysis of the first assignment of error. Abduction and strangulation both require a defendant to act “knowingly,” which is defined as follows:

A person acts knowingly, regardless of 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.

R.C. 2901.22(B).

{¶ 21} Pursuant to our fact-intensive analysis, Beauvais fails to establish that his offenses were subject to merger, and plain error is not demonstrated. The conduct constituting each of Beauvais’s offenses was of dissimilar import, committed separately, and with separate animus. In other words, Beauvais’s conduct in committing each offense did not transpire simultaneously as in *Merz* but was distinct as in *Smallwood*. When he committed abduction, the strangulation offense had already been completed. Although the culpable mental state for each offense was the same, Beauvais’s purpose was not. The harm from each offense was also distinct and identifiable. As a result of the strangulation, P.G. sustained injury to her neck, as depicted in photos. Beauvais then forcefully removed P.G. from her vehicle when he committed abduction. Again, a manifest injustice is not demonstrated, and in the absence of plain error, Beauvais’s second assignment of error is overruled.

### III. Consecutive Sentencing

{¶ 22} In his third assignment of error, Beauvais argues that the “trial court erred by imposing consecutive sentences where the findings required by R.C. 2929.14(C)(4) are unsupported by the record.” Appellant’s Brief, p. 7. He claims that the record fails to demonstrate a “course of conduct beyond a single incident,” “separate and identifiable harm between the two offenses,” and the propriety of a four-year term for a first-time felony offender. *Id.* at 8.

{¶ 23} “The trial court has full discretion to levy any sentence within the authorized statutory range, and it is not required to make any findings or articulate its reasons for

imposing a maximum or more than minimum sentence.” *State v. Goss*, 2024-Ohio-2648, ¶ 8 (2d Dist.), citing *State v. Jones*, 2021-Ohio-325, ¶ 85 (2d Dist.). When reviewing felony sentences, a court of appeals must apply the standard of review set forth in R.C. 2953.08(G). *State v. Williams*, 2022-Ohio-2897, ¶ 18 (2d Dist.), citing *State v. Farra*, 2022-Ohio-1421, ¶ 73 (2d Dist.). Under that statute, an appellate court may increase, reduce, or modify a sentence, or vacate it altogether and remand for resentencing, if it “clearly and convincingly finds either (1) that the record does not support certain specified findings or (2) that the sentence imposed is contrary to law.” *State v. Worthen*, 2021-Ohio-2788, ¶ 13 (2d Dist.).

**{¶ 24}** An appellate court may not independently weigh the evidence in the record and substitute its judgment for that of the trial court concerning the sentence that best reflects compliance with R.C. 2929.11 and 2929.12. *State v. Bartley*, 2023-Ohio-2325, ¶ 9 (2d Dist.), citing *State v. Jones*, 2020-Ohio-6729, ¶ 42. “The inquiry is simply whether the sentence is contrary to law.” *Id.* “A sentence is contrary to law when it falls outside the statutory range for the offense or if the sentencing court does not consider R.C. 2929.11 and 2929.12.” *Id.*, citing *State v. Dorsey*, 2021-Ohio-76, ¶ 18 (2d Dist.).

**{¶ 25}** R.C. 2929.14(C)(4) permits the trial court to impose multiple prison terms on an offender convicted of multiple offenses and to require the offender to serve the prison terms consecutively under certain conditions. It states:

If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the

offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

. . .

(b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.

R.C. 2929.14(C)(4).

{¶ 26} “On appeals involving the imposition of consecutive sentences, R.C. 2953.08(G)(2)(a) directs the appellate court ‘to review the record, including the findings underlying the sentence’ and to modify or vacate the sentence ‘if it clearly and convincingly finds . . . [t]hat the record does not support the sentencing court’s findings’” under R.C. 2929.14(C)(4). (Bracketed text in original.) *State v. Bonnell*, 2014-Ohio-3177, ¶ 28. “Thus, the record must contain a basis upon which a reviewing court can determine that the trial court made the findings required by R.C. 2929.14(C)(4) before it imposed consecutive sentences.” *Id.* In these instances, the trial court must state the required findings during the sentencing hearing to provide notice to the offender and defense counsel and should also “incorporate its statutory findings into the sentencing entry.” *Id.* at ¶ 29. “In order to impose consecutive terms of imprisonment, a trial court is required to make the findings mandated by R.C. 2929.14(C)(4) at the sentencing hearing and incorporate its findings into its sentencing entry, but it has no obligation to state reasons to support its findings.” *Id.* at ¶ 37.

{¶ 27} At sentencing, the trial court stated:

The court finds that consecutive sentences are necessary to protect the public

from future crime and to punish the Defendant, that they are not disproportionate to the seriousness of his conduct and to the danger he poses to the public, and that these multiple offenses were committed as part of a course of conduct and the harm caused was so great that no single prison term adequately reflects the seriousness of the Defendant's conduct.

These findings were incorporated into the judgment entry of conviction.

{¶ 28} We do not find that the record fails to support the trial court's sentencing findings under R.C. 2929.14(C)(4). The court had no obligation to state reasons to support its findings. By making the requisite findings at the time it imposed Beauvais's consecutive prison sentences, the trial court sentenced Beauvais in accordance with the requirements in R.C. 2929.14(C), and his sentence is not contrary to law. Thus, we cannot conclude that the trial court erred in imposing consecutive sentences. Beauvais's third assignment of error is overruled.

### **Conclusion**

{¶ 29} Beauvais's abduction conviction is not against the manifest weight of the evidence. The conviction for abduction was not subject to merger with his conviction for strangulation. Beauvais's consecutive sentence is not contrary to law. The judgment of the trial court is accordingly affirmed.

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LEWIS, P.J., and HANSEMAN, J., concur.