

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
MUSKINGUM COUNTY, OHIO

STATE OF OHIO,

Plaintiff - Appellee

-vs-

ASHTON W. STOTTS,

Defendant - Appellant

Case No. CT 2025-0073

Opinion And Judgment Entry

Appeal from the Muskingum County Court of
Common Pleas, Case No. CR2025-0021

Judgment: Affirmed

Date of Judgment Entry: June 1, 2026

BEFORE: Andrew J. King; Craig R. Baldwin; Robert G. Montgomery, Judges

APPEARANCES: JOSEPH A. PALMER, for Plaintiff-Appellee; SAMUEL H. SHAMANSKY, for Defendant-Appellant.

Montgomery, J.

{¶1} Defendant-Appellant Ashton W. Stotts (“Appellant”) has filed an appeal to the trial court’s judgment entry filed on July 31, 2025. Plaintiff-Appellee is the State of Ohio.

Facts and Procedural History

{¶2} Appellant is married to Wesley Stotts (hereinafter referred to as “Wesley”). Appellant and Wesley live in close proximity to Alexis Allen (hereinafter referred to as “Alexus”) and her husband Randall Allen (hereinafter referred to as “Randall”).

{¶3} Wesley invited Alexis and Randall to his home on the evening of March 4, 2025, at approximately 10:24 p.m. *Transcript*, p. 330. Randall declined the invitation but

Alexus accepted and went to Stotts' residence at approximately 10:52 p.m. with a 4-pack of Mom Water.¹

{¶4} Alexis, Appellant and Wesley drank alcohol and socialized with each other for approximately one hour. Around midnight, Alexis Facetimed with Randall for approximately 20 to 30 minutes.

{¶5} Following the video call, Alexis, Wesley and Appellant continued to socialize with each other and drink alcohol. At 1:51 A.M. a text from Alexis' phone was sent to Randall's phone that stated, "So I'm not gonna drive so what time should I be home?" *Transcript*, p. 258, 345.

{¶6} There was conflicting evidence regarding the events that followed.

Alexus' Testimony Regarding Sexual Encounter

{¶7} Alexis testified that she did not remember sending a text to Randall. She stated that she completely blacked out at some point during the early morning hours. She testified that she remembered consuming a second glass of bourbon, drinking it and talking with Appellant. She testified that Wesley was very drunk, cussing and kept nodding off. *Id.*, p. 346. Alexis stated she blacked out at this point and the next thing she remembered was being in bed with Appellant on top of her and Wesley's penis inside of her. *Id.*, p. 347. She stated that Wesley also put his fingers inside her and put his penis in her mouth which caused her to vomit. *Id.*, p. 352. She stated that Appellant was on the bed while these events were occurring and told her husband, "you have to stop, she's going to tell on us." *Id.*, p. 347. Alexis stated that she attempted to get out of the bed but Appellant pushed her back onto the bed with Wesley. Alexis stated that she did not

¹ Mom Water is an alcoholic drink that comes in a 12 oz. can and contains 4.5% alcohol by volume.

consent to any sex acts with Appellant or Wesley and that she did not have any discussions with either of them about engaging in sexual activity. *Id.*, p. 353. Alexis testified that she did not remember leaving the Stotts' residence. *Id.*

Appellant's Testimony Regarding Sexual Encounter

{¶8} Appellant's version of the events that occurred differed from that of Alexis' account. Appellant testified that Alexis showed no signs of being drunk, never stumbled and did not pass out. *Id.*, p. 457. Appellant testified that Wesley went to bed around 2:00 a.m. and she and Alexis continued to socialize with each other. Appellant stated that Alexis talked to her about threesomes and the two women went into the couples' bedroom, took off their clothes and informed Wesley that they were going to have a threesome. *Id.*, p. 462.

{¶9} Appellant stated that she and Alexis kissed each other, Alexis performed oral sex on Wesley, Wesley and Alexis had vaginal sex with each other and Alexis digitally penetrated Appellant. *Id.* Appellant denied sitting on Alexis' face. *Id.* Appellant stated that Alexis appeared to know what she was doing, appeared coherent and understood what was happening. *Id.*, p. 464. She denied that Alexis vomited or that she attempted to crawl out of the bed. *Id.* Appellant denied encouraging or assisting Wesley in any actions of physical touching with Alexis. She also denied telling Wesley to stop what he was doing with Alexis. *Id.*, p. 468.

{¶10} Following the sexual encounter, Alexis called Randall to pick her up, but when Randall neglected to answer her call, she called her father Troy Howard. Mr. Howard picked Alexis up at the Stotts' residence. Footage from the Stotts' ring camera captured video of Alexis leaving the Stotts residence and was played for the jury. The video was introduced into evidence. Mr. Howard testified that he witnessed Appellant

holding Alexis by the arm until she was approximately 20 to 30 feet from his car. *Id.*, p. 430. Mr. Howard drove Alexis home, helped her out of the car and “kept ahold of her to get her in the house, because I was just afraid she might fall because she wasn’t in good shape at all.” *Id.*, p. 420. When Alexis got home, she woke Randall at approximately 3:30 a.m. and told him she had been assaulted.

{¶11} Mr. Howard and Randall then drove to the Stotts’ residence and Randall had a conversation with Appellant on her porch. There is video of the exchange that took place between Appellant and Randall that was played for the jury and admitted into evidence. Randall then retrieved his wife’s car from Appellant’s residence and drove home.

{¶12} Alexis went to see her doctor later in the day, reported what happened to her and then made a report to a SANE nurse at Genesis Hospital at 2:50 p.m.² The nurse performed a pelvic exam on Alexis wherein she noted some redness, pain and tenderness. *Id.*, p. 118.

{¶13} The nurse also performed a sexual assault exam kit wherein she collected blood and urine samples.

{¶14} Alexis contacted law enforcement and reported the assault on March 7, 2024. Deputy Kristofer Smith and Deputy Thomas Booher came to Alexis’ home, took statements from Alexis and Randall and collected evidence. Detective Sergeant Brady Hittle collected DNA from Wesley Stotts on April 25, 2024.

{¶15} The Ohio State Highway Patrol analyzed the blood and urine samples collected by the SANE nurse. Edward Yingling testified that the crime laboratory of the

² SANE is an acronym for Sexual Assault Nurse Examiner.

Ohio State Highway Patrol tested Alexis' blood sample and stated that no alcohol was detected. *Id.*, p. 154. Deborah Cardiel testified that the Ohio State Highway Patrol Crime Lab tested Alexis' urine sample that tested positive for Alprazolam³, Alpha-Hydroxy Alprazolam⁴ and marijuana metabolite⁵. *Id.*, p. 178, 180.

{¶16} Appellant was indicted in the Muskingum County Common Pleas Court on January 9, 2025, on three counts of rape, three counts of sexual battery and one count of gross sexual imposition. Wesley was charged with the same offenses in case number CR2025-0020.

{¶17} Prior to trial, the State dismissed the three counts of rape and the count of gross sexual imposition, and the case proceeded on the three counts of sexual battery.

{¶18} The jury found Appellant guilty on the three sexual battery charges on May 27, 2025.

{¶19} Appellant filed an appeal and this matter is now before this Court for consideration. Appellant asserts two assignments of error:

{¶20} "I. APPELLANT WAS CONVICTED IN THE ABSENCE OF EVIDENCE SUFFICIENT TO SUPPORT FINDINGS OF GUILTY IN VIOLATION OF HER RIGHTS AS GUARANTEED BY THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND COMPARABLE PROVISIONS OF THE OHIO CONSTITUTION."

{¶21} "II. APPELLANT'S CONVICTION WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE IN VIOLATION OF HER RIGHT TO DUE PROCESS AS GUARANTEED BY THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND COMPARABLE PROVISIONS OF THE OHIO CONSTITUTION."

³ Alprazolam is a benzodiazepine that is commonly referred to as Xanax.

⁴ Alpha-Hydroxy Alprazolam is a byproduct of Alprazolam.

⁵ Marijuana metabolite is a byproduct with active marijuana.

STANDARD OF REVIEW

{¶22} The definition of sufficiency and manifest weight was defined by the Ohio Supreme Court. The Court defined sufficiency as, “a term of art meaning that legal standard which is applied to determine whether the case may go to the jury or whether the evidence is legally sufficient to support the jury verdict as a matter of law. * * * In essence, sufficiency is a test of adequacy. Whether the evidence is legally sufficient to sustain a verdict is a question of law.” *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 11, citing *State v. Thompkins*, 78 Ohio St.3d 380, 386 (1997).

{¶23} The Supreme Court defined weight of evidence as “the inclination of the *greater amount of credible evidence*, offered in a trial, to support one side of the issue rather than the other. It indicates clearly to the jury that the party having the burden of proof will be entitled to their verdict, if, on weighing the evidence in their minds, they shall find the *greater amount of credible evidence* sustains the issue which is to be established before them. Weight is not a question of mathematics but depends on its *effect in inducing belief*.” *Id.*, at ¶ 12.

{¶24} In determining if a verdict is against the manifest weight of the evidence, the appellate court acts as a thirteenth juror “[i]n reviewing the entire record, weighs the evidence and all reasonable inferences, considers the credibility of witnesses, and determines whether in resolving conflicts in 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.

ANALYSIS

{¶25} Appellant argues in her first assignment of error, that no rational trier of fact could find the evidence was sufficient to sustain a guilty verdict. *Appellant Brief*, p. 23. We disagree.

{¶26} Appellant was charged with three counts of sexual battery in violation of R.C. 2907.03(A)(2) which states:

No person shall engage in sexual activity with another; cause another, not the spouse of the offender, to engage in sexual activity with the offender; or cause two or more other persons to engage in sexual activity when any of the following apply:

(2) The offender knows that the other person's, or one of the other persons', ability to appraise the nature of or control the other person's own conduct is substantially impaired.

{¶27} Appellant was prosecuted pursuant to R.C. 2923.03 which states:

No person, acting with the kind of culpability required for the commission of an offense, shall do any of the following:

(2) Aid or abet another in committing the offense;

(F) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if he were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense.

{¶28} The Supreme Court of Ohio has stated, "[to] support a conviction for complicity by aiding and abetting pursuant to R.C. 2923.03(A)(2), the evidence must show that the defendant supported, assisted, encouraged, cooperated with, advised, or incited the principal in the commission of the crime, and that the defendant shared the criminal intent of the principal." *In re T.K.*, 2006-Ohio-3056, ¶ 13, citing *State v. Johnson*, 2001-Ohio-1336, syllabus. "Such criminal intent can be inferred from the presence, companionship, and conduct of the defendant before and after the offense is committed." *Id.*

{¶29} "When we review whether there was *enough* evidence to support a conviction, we do not ask ourselves whether the State's case was convincing, we are simply asking whether there was *any* evidence that could support each element of the charged offense. This standard of review is known as a sufficiency of evidence review." *State v. Smiley*, 2025-Ohio-2666, ¶ 20 (5th Dist.).

{¶30} The evidence presented at the hearing was legally sufficient for the jury to find Appellant guilty of sexual battery. Testimony was presented by 15 different witnesses, along with forensic, photo and video evidence. Appellant and Alexis gave different versions of the events of the evening and it was up to the jury to determine what testimony they found credible.

{¶31} "It is well settled, however, that the credibility of witnesses is a matter for the trier of fact to determine." *State v. Miller*, 2019-Ohio-5024, ¶ 21 (5th Dist.). "Challenges to the sufficiency of the evidence based upon instances of inconsistent testimony, memory defects, and the like are witness credibility issues which are properly resolved by the trier of fact." *State v. Nichols*, 2013-Ohio-3898, ¶ 13 (5th Dist.).

{¶32} This Court has reviewed the evidence presented at the hearing and finds it was legally sufficient for the jury to find Appellant guilty of sexual battery.

{¶33} Appellant's first assignment of error is overruled.

{¶34} Appellant argues in her second assignment of error that the evidence produced at trial was insufficient to establish that Appellant "[t]he facts adduced at trial, even when construed in a light most favorable to the State, were insufficient to prove that Appellant aided or abetted any criminal conduct." *Appellant Brief*, p. 31.

{¶35} Appellant argues that Alexis' testimony at trial was not consistent with what she had previously reported to the SANE nurse and law enforcement.

{¶36} It is well settled, however, that the credibility of witnesses is a matter for the trier of fact to determine. "A defendant is not entitled to reversal on the grounds of sufficiency of the evidence and manifest weight of the evidence merely because inconsistent testimony was offered at trial." *State v. Miller*, 2019-Ohio-5024, ¶ 21 (5th Dist.).

{¶37} "[A] defendant is not entitled to reversal on manifest weight grounds merely because certain aspects of a witness' testimony are inconsistent or contradictory." *State v. Flores-Santiago*, 2020-Ohio-1274, ¶ 40, (8th Dist.). "A conviction is not against the manifest weight of the evidence solely because the fact finder heard inconsistent testimony." *State v. Mann*, 2011-Ohio-5286, ¶ 37 (10th Dist.).

{¶38} Appellant also argues that the evidence was insufficient to prove that Wesley knew Alexis was not capable of consent and therefore Appellant could not be found guilty of sexual battery. *Appellant Brief*, p. 31. This argument is without merit. It is Appellant, not Wesley who was charged with sexual battery. Therefore, the State needed

to prove that Appellant knew that Alexis' ability to appraise the nature of her conduct was substantially impaired.

{¶39} The jury was free to accept or reject any or all of the testimony of the witnesses and to assess their credibility accordingly. Moreover, the jury viewed video and saw pictures and used that information to assist in its credibility determinations. Upon review of the record, we hold that the jurors, in resolving any conflicts in the evidence, did not create a manifest miscarriage of justice and could have found Appellant guilty on all counts.

{¶40} Appellant's second assignment of error is overruled.

CONCLUSION

{¶41} For the reasons stated in our accompanying Opinion, the judgment of the Muskingum County Court of Common Pleas is Affirmed.

{¶42} Costs to Appellant.

By: Montgomery, J.

King, P.J. and

Baldwin, J. concur.