[Cite as *State v. Bates*, 2026-Ohio-4413.]

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

STATE OF OHIO Plaintiff - Appellant -vs- SKYLER S. BATES Defendant - Appellee	Case No. CT2026-0061 Opinion and Judgment Entry Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0524 Judgment: Affirmed Date of Judgment Entry: November 6, 2026

BEFORE: William B. Hoffman; Craig R. Baldwin; Robert G. Montgomery, Judges

APPEARANCES: Ronald L. Welch, Prosecuting Attorney, Muskingum County, Ohio, John Connor Dever, Assistant Prosecuting Attorney, for Plaintiff-Appellant; Brian Benbow, Benbow Law Offices, LLC, for Defendant-Appellee.

Hoffman, P.J.

{¶1} Plaintiff-Appellant State of Ohio appeals the May 20, 2026 decision of the Muskingum County Common Pleas Court dismissing the indictment against Defendant-Appellee Skyler Bates *sua sponte* following a guilty plea.

STATEMENT OF THE FACTS AND CASE

{¶2} On August 13, 2025, the Muskingum Cunty Grand Jury indicted Skyler Bates on six counts of Pandering Obscenity Involving a Minor or Impaired Person (F-2) and two counts of Rape (F-1).

{¶3} The charges arose after an investigation led a federal agent to New Lexington, Ohio. where the agent found Clay Thomas Wolfe, a man posing online as a young girl named

Ally Richards. (Plea T. at 13). As Ally, Wolfe sent and received child-sex-abuse material. *Id.* In sifting through that material, the federal agent discovered two videos of a juvenile performing oral sex on Defendant Bates. (Plea T. at 14). Bates sent both videos to Wolfe. *Id.*

{¶4} On January 21, 2026, Defendant Bates entered a guilty plea to an amended count of Sexual Battery (F-3), with the State agreeing to dismiss the remaining counts at the time of sentencing. The plea agreement left both parties free to argue for an appropriate sentence.

{¶5} The trial court ordered a presentence investigation report (PSI) and set a sentencing hearing for March 18, 2026. At the sentencing hearing, after reviewing the PSI, victim impact letters, family letters, and Defendant's Sentencing Memorandum, the trial court announced from the bench its intention to dismiss the matter pursuant to Crim.R. 48(B) in the interests of justice.

{¶6} Later the same day, the State filed a Memorandum Opposing *Sua Sponte* Dismissal. On March 31, 2026, Defendant filed a response. The trial court vacated its bench ruling and scheduled a full hearing on the matter for May 7, 2026.

{¶7} After the May 7, 2026 hearing, the trial court entered its written Judgment Entry containing the detailed findings of fact and conclusions of law and dismissing the case *sua sponte* pursuant to Crim.R. 48(B) in the interests of justice, without prejudice. (May 20, 2026 Judgment Entry).

{¶8} In its Findings of Fact, the trial court found:

> The Defendant and the named victim in the indictment herein were victims of a third party. At age 14/15, the Defendant began communicating

with someone he thought was a girl about his age named "Ally." In reality, however, "Ally" was a 28-year-old male. Unbeknownst to the Defendant, "Ally" also began communicating with the named victim herein, age 11 years old at the time, who thought "Ally" was 13 years old. The named victim and "Ally" began exchanging photos, some of which were sexually explicit, and when the victim wanted to stop, "Ally" threatened to share the victim's photos to his teachers and family. When the victim was 13 years old, after several years of communicating through Snapchat, "Ally" texted the victim asking the victim to perform fellatio on his brother the Defendant. "Ally" again threatened the victim that if he didn't do what "she" was asking, that "Ally" would share the victim's photos with friends and family. The victim then confided in his older brother the Defendant, and they then first learned that they were communicating with the same person. "Ally" continued to threaten both brothers, including sending a list of people the photos would be shared with if they did not comply with the demands. The victim and Defendant were scared, did not know of another way out of the extortion. The victim then told the Defendant that they just needed to "do it and get it over with."

"Ally" turned out to be Clay Thomas Wolfe, who solicited child pornography from more than 300 victims via Snapchat, and who now is currently serving a 23-year prison sentence out of a federal prosecution. Approximately 100 victims who provided sexual content to Wolfe were identified as minors from multiple States. Wolfe's Snapchat account contained photos and videos of boys as young as 10 and 11 years old. The investigation

began in Pennsylvania when law enforcement officials became aware that a 6th grader was sharing a nude photograph of a classmate that he received from Wolfe pretending to be "Ally." Wolfe's modus operandi was to send boys photos and videos of pubescent female's naked breasts and genitalia and entice the boys he was chatting with on Snapchat to send content of their own. Wolfe received photos and videos from boys as young as 12 years old engaging in sexually explicit content, including bestiality, masturbation, and sexual acts, including oral and anal penetration. Wolfe's modus operandi included extorting these boys by threatening to send the nude images he received from them to their friends and family unless they sent him additional images. Over the course of several years, Wolfe received approximately 850 images and 570 videos depicting child pornography. It is unknown if any other victim of Wolfe's has faced prosecution.

The victim named in the indictment herein does not want the State to pursue charges against the Defendant.

The victim named in the indictment herein has not cooperated with the State in the prosecution of the Defendant but did cooperate with the federal investigation of Clay Thomas Wolfe.

Defendant's relationship with "Ally" began when he was approximately 14 or 15 years old and ended when he just turned 18. Defendant cooperated with the federal investigation of Clay Thomas Wolfe.

Defendant is a victim of Wolfe.

Defendant and the named victim in this case were both extorted by Wolfe.

Defendant has no criminal or juvenile delinquency history.

Defendant is in a relationship and has a young child.

Defendant's family members are in support of him.

The Court acknowledges the long-lasting and significant harm that is caused by child sexual abuse.

No evidence was presented regarding any counseling or therapy undergone by either the Defendant or the victim.

The Court acknowledges that the Defendant has already entered a guilty plea to one count of Sexual Battery in this case. The Court acknowledges that the State of Ohio has in its possession the video of Defendant and the victim named in the indictment engaging in fellatio.

The Court finds the risk of additional criminal behavior by Defendant to be low.

{¶9} (May 20, 2026 JE, 2-5).

{¶10} The State now appeals the May 20, 2026 judgment entry, raising the following error for review:

ASSIGNMENT OF ERROR

I. THE TRIAL COURT ABUSED ITS DISCRETION IN SUA SPONTE DISMISSING THE INDICTMENT.

I.

{¶11} A court has the "inherent power to regulate the practice before it and protect the integrity of its proceedings." *State v. Busch*, 76 Ohio St.3d 613, 615 (1996) quoting *Royal Indemn. Co. v. J.C. Penney Co.* (1986), 27 Ohio St. 3d 31, 33-34, 501 N.E.2d 617, 620.

{¶12} Criminal Rule 48(B) provides a means by which a trial court can dismiss a complaint and states, "If the court over objection of the state dismisses an indictment, information, or complaint, it shall state on the record its findings of fact and reasons for the dismissal." *State v. Lycan*, 2019-Ohio-689, ¶ 24 (5th Dist.).

{¶13} We review a trial court's decision to dismiss a complaint for an abuse of discretion. *State v. Songer*, 2004-Ohio-1281, ¶ 19 (5th Dist.), motion for leave to file delayed appeal granted, 2004-Ohio-2830, and appeal not allowed, 2004-Ohio-5405. In order to find an abuse of discretion, we must determine the trial court's decision was unreasonable, arbitrary or unconscionable and not merely an error of law or judgment. *Blakemore v. Blakemore*, 5 Ohio St.3d 217 (1983).

{¶14} An unreasonable decision is one that is not supported by a sound reasoning process. *State v. Rodriguez*, 2008-Ohio-3377, ¶ 8 (2nd Dist.), citing *AAAA Enterprises, Inc. v. River Place Community Urban Redevelopment Corp.*, 50 Ohio St.3d 157 (1990). An arbitrary attitude is one "without adequate determining principle," "not governed or fixed by any fixed rules or standard." *Rodriguez, id.*, citing *Dayton ex rel. Scandrick v. McGee*, 67 Ohio St.2d 356, 359 (1981).

Where the record includes extensive facts and reasoning explaining why the dismissal was in the interest of justice, a reviewing court will not find an abuse of discretion. See, *State v. Sanders*, 2013-Ohio-5220 (7th Dist.); *Rodriguez*, supra, 2008-Ohio-3377 (2nd Dist.); *State v. Hostetter*, 2013-Ohio-2000 (5th Dist.).

{¶15} Generally, it is an abuse of discretion to dismiss charges under Crim.R. 48(B) solely for the reason the evidence is insufficient to support conviction. *State v. Nihiser*, 2004-Ohio-4067, ¶ 17 (4th Dist.). Nevertheless, a trial judge is allowed great flexibility in determining when the judicial process is no longer useful in a given case such that a dismissal under Crim.R. 48(B) is warranted. *State v. Montiel*, 2009-Ohio-6589, ¶ 15 (2nd Dist.).

{¶16} It is both appropriate and necessary to proffer evidence at a Crim.R. 48(B) dismissal hearing since it is, by its very nature, an evidentiary hearing. *State v. Anguiano*, 2012-Ohio-2094, ¶ 12 (2nd Dist.). The trial court is required to state on the record its findings of fact supporting the dismissal. Crim.R. 48(B). Therefore, "[Crim.R. 48(B)] contemplates an evidentiary hearing from which findings of fact may be made, and which is necessary for subsequent appellate review of any error assigned by the state regarding an objection by the state that the court overruled." *State v. Montiel*, 2009-Ohio-6589, ¶ 22 (J. Grady, concurring).

{¶17} In addressing the breadth of Crim.R. 48(B), Justice Pfeiffer, in *Busch,* supra*,* acknowledged the rule does not limit the reasons for which a trial judge might *sua sponte* dismiss a case, but "may dismiss a case pursuant to Crim.R. 48(B) if a dismissal serves the interests of justice." The Court also stressed the flexibility a trial court should have to devise a solution in a given case and went on to state "[t]rial judges have the discretion to determine when the court has ceased to be useful in a given case" and "the trial court used its judicial power to do its best with a matter which no longer seemed to fit the court system" and *Busch*,

76 Ohio St.3d at 616. The Court thus concluded the trial court did not abuse its discretion when it dismissed the criminal complaint.

{¶18} In the instant case, the trial court's judgment entry set forth its detailed Findings of Facts as set forth above. The court then, after citing the applicable law, stated the following Conclusion:

> The Cout finds that the instant case should be dismissed in the interests of justice for the following reasons. The Defendant was a victim of 28-year-old Clay Wolfe, who posed as a young female named "Ally." "Ally" began communicating with Defendant when he was 14 or 15 years old, continuing until Defendant just turned 18 years old. Unbeknownst to Defendant, "Ally" also began communicating with Defendant's brother, the victim named in the indictment herein, when the brother was 11 years old. "Ally" extorted Defendant and his brother, telling them that if they did not do what she asked that she would send the boys' nude photos to their friends and family. The Defendant and his brother finally acquiesced after multiple threats, and made a video as requested by "Ally" of a sexual act.
>
> Although Defendant's acts with his brother are abhorrent, due to the extraordinary circumstances surrounding the impetus behind the acts, the Court finds that it is not in the interests of justice for the criminal case to proceed. Defendant and the victim named in the indictment are both victims of "Ally." Defendant had just turned 18 when the video was shared with "'Ally." Once communication with "Ally" ceased, nothing further was alleged to have

happened. Defendant is now 23 years old, is in a relationship, and has a young child. Defendant has no criminal or juvenile delinquency history. Defendant is unlikely to re-offend.

WHEREFORE, the instant case is dismissed *sua sponte* pursuant to Crim. R. 48(B) in the interests of justice, without prejudice.

{¶19} (May 20, 2026 JE, 6-7).

{¶20} Upon review, based on the record before this Court, we agree with the trial court's finding Defendant-Appellee and his brother were both victims of Clay Thomas Wolfe, who is serving time for his crimes. We find the trial court's dismissal of the criminal charges "in the interest of justice" under its inherent power pursuant to Crim.R. 48(B), was not an abuse of discretion.

{¶21} The judgment of the Muskingum County Court of Common Pleas is affirmed.

{¶22} Costs to Plaintiff-Appellant State of Ohio.

By: Hoffman, P.J.

Baldwin, J. and

Montgomery, J. concur.