[Cite as *State v. Schlipf*, 2026-Ohio-3607.]

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
OTTAWA COUNTY

State of Ohio — Court of Appeals No. {62}OT-25-044

Appellee — Trial Court No. 25 CR 108

v.

Kati Schlipf — **DECISION AND JUDGMENT**

Appellant — Decided: September 15, 2026

* * * * *

James VanEerten, Ottawa County Prosecutor, and
Barbara Gallé, Assistant Prosecuting Attorney, for appellee.

W. Alex Smith, for appellant.

* * * * *

DUHART, J.

{¶ 1} Appellant, Kati Schlipf, appeals the November 24, 2025 judgment of the Ottawa County Common Pleas Court. For the reasons that follow, we affirm.

Background

{¶ 2} On May 21, 2025, Schlipf was indicted on 25 counts of pandering sexually oriented matter involving a minor or impaired person, in violation of R.C. 2907.322(A)(5) and (C), felonies of the fourth degree (Counts 1 - 25), and one count of

conspiracy, in violation of R.C. 2923.01(A)(2) and (J)(2), a felony of the third degree. Schlipf entered pleas of not guilty.

{¶ 3} Schlipf changed her pleas on October 2, 2025, and entered pleas of guilty to all 25 counts of pandering as well as an amended Count 26, attempted pandering sexually oriented matter involving a minor, in violation of R.C. 2923.02 and R.C. 2907.322(A)(2)(C), a felony of the third degree. As part of the plea agreement, the State agreed "to make no sentencing recommendation and to stop further investigation regarding items seized from the home." Additionally, the State agreed to not seek an indictment on an additional 120 counts.

{¶ 4} Sentencing occurred on November 24, 2025. Prior to the imposition of sentence, the prosecutor was asked if the State had anything to say regarding sentencing, and the prosecutor made the following comments:

> . . . Pursuant to the Plea Agreement, where the State has agreed to make no specific sentencing recommendation and to stop further investigation regarding the items seized from the home [sic]. The State further agrees not to seek an indictment on the additional 120 counts.
>
> However, after reading the PSI and the statements by [Schlipf], the State would like to provide some clarification to this Court for sentencing.
>
> Initially, on May 2nd, . . .Schlipf[] was asked how she was found [sic] that Jason, her husband, liked CSAM, Child Sexual Abuse Material, if he never mentioned it. [Schlipf] was asked if Jason just did it and she saw it. And [Schlipf] said, quote, "Yeah." "He, I mean, there was a younger girl once on just regular video."
>
> They asked [Schlipf] what she said about it. She laughed. She laughed and said, "Wow." "She's young."
>
> Later on, on May 2nd, [Schlipf] said, quote, "I mean, I know about what I've said that, you know, he likes them younger."

> The officer also confirmed that the last time they, [Schlipf] and her husband, watched CSAM, Child Sexual Abuse Material, while having sex, was a few days ago. [Schlipf] said, "It might have been on."
>
> She then said, "Well, I don't - - I mean, I don't know what there is, but like, I know when I used to download movies, it would download porn sometimes, too."
>
> Later, [Schlipf] admitted to [a] major crimes investigator that CSAM, Child Sexual Abuse Material, was playing when she and her husband were having sex. She added, [Schlipf] added that the only reason she lied originally about her knowledge of the Child Sexual Abuse Material was because she didn't want law enforcement to take away her child. She kept talking and stated, quote, "What am I supposed to do?" "Turn him in?" End quote.
>
> She added, No one was getting hurt, so she didn't think about it.
>
> No one was getting hurt, so she didn't think about it.

{¶ 5} The prosecutor then gave short, graphic descriptions regarding what occurred in some of the videos. Each description detailed videos which displayed sexual acts between either infants or prepubescent children, and adults, or in some cases, dogs.

{¶ 6} After she described the videos, the prosecutor continued as follows:

> This is the material that [Schlipf] would watch with her husband while they had sex.
>
> She denied downloading any of the Child Sexual Abuse Material herself for her husband, but she may have downloaded regular porn.
>
> She, in regards to the PSI, also talked about buying used underwear and whether or not that was from a - - someone under the age of 18. [Schlipf], contrary to what she said in the PSI, told the investigators at the time that she just bought underwear from her - - the person off the website, and never thought about her age. She's pretty positive the girl was an adult. [Schlipf] then stated that the girls - - if the girls were underage, it wasn't her fault.
>
> For the market of Child Sexual Abuse Material, because we don't know who these victims are to have a Victim Impact Statement, but the market for Child Sexual Abuse Material among individuals with a sexual interest in children drives the demand for new and more egregious images and videos. The push for new Child Sexual Abuse Material results in the continued abuse and exploitation of child victims and the abuse of new

children every single day. When these images and videos are posted and disseminated online, the victimization continues in perpetuity.

Children often suffer a lifetime of revictimization, knowing that documentation of their sexual abuse is on the Internet. Available for others to access forever. What has happened with these 25 children that were charged in this case [sic] has not gone away. Children being raped, it will never go away, because of the copies of the videos showing it.

These victims, these children are real victims. These children had to be raped and to know that people like [Schlipf] watch it for enjoyment, or to enhance her sex life with her husband.

Thank you.

{¶ 7} Prior to the defense attorney's response, the court made the following comment:

I, through the grace of God, have never had to watch child porn. But there are descriptions of these clips in the Presentence Report, and that is really disturbing enough.

I don't think you mentioned Clip 21. Image of multiple smaller images containing prepubescent females. One image shows a naked child with a knife to her throat. Another shows two children naked with plastic bags tied over their heads. While another one shows a child with a screwdriver inserted into her anus. The caption on the image says, child pussy should always be tortured.

This is very disturbing.

{¶ 8} Schlipf's attorney then spoke on her behalf. He explained that the drive was not hers and that she denied having knowledge of the hard drive at issue in this case, or the videos contained on that hard drive. Her attorney then, inter alia, made the following statement:

Your honor, the State put on a pretty good show there and they certainly did go ahead and read you everything nasty they could. And it's warranted. But what the State's not doing is they're not asking you to put her in prison. . . . They - - they're refraining from doing that.

{¶ 9} Schlipf also spoke on her own behalf. The court then sentenced her to 12 months each on Counts 1 - 5, to be served consecutively, and 12 months on Counts 6 - 25, to be served concurrently to each other, but consecutive to Counts 1 - 5. Additionally, she was sentenced to 12 months on Count 26, to be served consecutive to all other counts, for a total sentence of 84 months in the Ohio Department of Rehabilitations and Corrections.

{¶ 10} Schlipf appealed, raising this single assignment of error:

> The trial court committed plain error and violated [Schlipf]'s Due Process rights under the Fourteenth Amendment to the United States Constitution and Article I, Section 16 of the Ohio Constitution by failing to enforce the terms of a negotiated plea agreement. Specifically, the State of Ohio breached its express promise to offer no specific sentencing recommendation when it delivered a graphic, inflammatory, and advocatory narrative at the sentencing hearing, designed to induce the maximum possible penalty. This breach necessitated the vacation of the sentence.

Analysis

{¶ 11} Schlipf argues that the State's comments at the sentencing hearing breached its promise in the plea agreement not to make any specific sentencing recommendation. While she admits that the State "technically avoided naming a specific number of years," she contends that the prosecutor's statements were "a covert breach . . . undercutting the spirit of the agreement," and that the breach was compounded by the State's reference to uncharged conduct when it "repeated its promise not to seek an indictment on 120 additional counts at the beginning of the sentencing hearing."

{¶ 12} "A plea agreement is considered a contract between the State and a criminal defendant and is subject to general contract law. Accordingly, if one side breaches the agreement the other side is entitled to either rescission or specific performance of the plea agreement." (Citations omitted.) *State v. Vasquez*, 2024-Ohio-2496, ¶ 24 (6th Dist.). When a defendant fails to object to the breach in the trial court, the alleged error is forfeited, and we review for plain error only. *Id*. at ¶ 25, quoting *State v. Hansen*, 2012-Ohio-4574, ¶ 15 (7th Dist.). Here, Schlipf concedes she did not object at sentencing and thus is limited to plain error review.

{¶ 13} Pursuant to 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." The standard for plain-error review has four elements: "First, there must be an error. Next, the error must be plain or obvious. Third, the error must 'affect[ ] "substantial rights"' [which has been] interpreted . . . 'to mean that there is a reasonable probability that the error affected the outcome of the trial.' And fourth, the rule is discretionary; plain error should be recognized "only to prevent a manifest miscarriage of justice." (Citations omitted.) *State v. Khalif*, 2026-Ohio-2689, ¶ 25. The burden is on Schlipf to demonstrate that a plain error affected her substantial rights. *Id*., quoting *State v. Perry*, 2004-Ohio-297, ¶ 14.

{¶ 14} We do not find plain error. Even if, as alleged by Schlipf, the prosecutor's statements were a breach of the plea agreement, Schlipf has failed to demonstrate that the alleged error affected her substantial rights, i.e., that the outcome would have been

different. Schlipf maintains that "prejudice is manifest: [the judge] specifically cited the graphic descriptions as 'very disturbing' . . . and these details became the focal point of the court's rational for imposing an aggregate seven[-]year consecutive sentence." Schlipf further contends that although proper consecutive sentence findings were made, the State's breach "unfairly skewed" the record, which led to consecutive findings "disproportionate to Schlipf's status as a first[-]time offender."

{¶ 15} A speculative claim that Schlipf would have been sentenced differently had the State's alleged breach not occurred is not sufficient to demonstrate plain error. *See State v. Roby*, 2022-Ohio-223, ¶ 19 (6th Dist.). There is no evidence that the trial court's sentence was influenced by the prosecutor's statements. The judge stated that "descriptions of the[] clips *in the Presentence Report*" were "very disturbing" and specifically mentioned a video not even discussed by the prosecutor. We find this establishes that the trial court's sentence was based upon its independent review of the record and, as such, we further find that Schlipf has not demonstrated that her substantial rights were violated. Additionally, we do not find that this is an instance where we must acknowledge plain error to prevent a manifest miscarriage of justice.

{¶ 16} Therefore, Schlipf's assignment of error is found not well-taken.

Conclusion

{¶ 17} The judgment of the Ottawa County Common Pleas Court is affirmed. Pursuant to App.R. 24, Schlipf is hereby ordered to pay the costs incurred on appeal.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.

Christine E. Mayle, J. _____ JUDGE

Myron C. Duhart, J. _____ JUDGE

Charles E. Sulek, J. _____ JUDGE
CONCUR.

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.supremecourt.ohio.gov/ROD/docs/.