

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

State of Ohio

Court of Appeals No. {48}L-256-00015

Appellee

Trial Court No. CR020250429

v.

Michael Esqueda

**DECISION AND JUDGMENT**

Appellant

Decided: September 29, 2026

\* \* \* \* \*

Julia R. Bates, Lucas County Prosecuting Attorney, and  
Lorrie J. Rendle, Assistant Prosecuting Attorney, for appellee.

Laurel A. Kendall, for appellant.

\* \* \* \* \*

**DUHART, J.**

{¶ 1} Appellant, Michael Esqueda, appeals from a judgment of the Lucas County Court of Common Pleas sentencing him, following a guilty plea, on one count of kidnapping and two counts of felonious assault. For the reasons that follow, the trial court’s judgment is affirmed.

**Statement of the Case and Relevant Facts**

**Indictment**

{¶ 2} On March 27, 2025, a Lucas County grand jury returned a six-count indictment charging Esqueda, along with co-defendants Martina Esqueda (“Martina”),

Aaron Bradshaw, Austin Bradshaw, David Cessna, and Chance Johnston, with one count of kidnapping in violation of R.C. 2905.01(A)(3) and (C)(1), a felony of the first degree (Count 1); three counts of felonious assault in violation of R.C. 2903.11(A)(1) and (D)(1)(a), each a felony of the second degree (Counts 2-4); and two counts of tampering with evidence in violation of R.C. 2921.12(A)(1) and (B), each a felony of the third degree (Counts 5 and 6). The charges arose from events which occurred on or about March 14, 2025, through March 21, 2025.

### **Plea Hearing**

{¶ 3} On October 16, 2025, Esqueda entered a negotiated guilty plea to Counts 1, 2, and 3, each as indicted. In exchange for Esqueda's guilty plea, all remaining charges were dismissed. The State's prosecutor did not present a formal statement of the factual allegations.

### **Underlying Facts as Established in the PSI**

{¶ 4} Sometime in 2023, A.M. went missing after he began dating co-defendant Martina, Esqueda's wife. A.M.'s family spent the next two years trying to find him.

{¶ 5} On March 21, 2025, A.M.'s mother received a message on Facebook Messenger stating where her son was located and that he needed help. On that same date, Maumee Police responded to a disorder call at the Red Roof Inn in Maumee, Lucas County, Ohio. Upon arrival, officers located A.M. and his mother at the Speedway gas station nearby. Officers spoke to A.M.'s mother, who indicated that her son had been held against his will and abused, and that he had several injuries. She told officers that

she was going to take her son to the hospital after he ate something because he was very hungry, as it appeared that he had been deprived of food.

{¶ 6} Officers arrived at the hotel where Esqueda and his co-defendants had been holding A.M. against his will. Martina told the officers that the room was in her name and permitted them to enter. Immediately upon entering, the officers observed puddles of urine, feces, and animal vomit, accompanied by a foul odor emanating from the room. Four dogs and two kittens were removed from the room.

{¶ 7} The detective assigned to investigate the case went to the hospital to speak with A.M. A.M. explained that about a week prior, on March 13, 2025, a fight broke out between two of the dogs. When people attempted to break up the fight, A.M. was accused of grabbing a metal chair and hitting Martina with it. A.M. denied ever picking up a metal chair or striking Martina. Nevertheless, after the incident, Martina began complaining of wrist pain and went to the hospital to seek medical attention.

{¶ 8} A.M. explained that Esqueda, Martina, and additional co-defendants Cessna and Johnston were involved in a polyamorous relationship, and that he believed that Cessna and Johnston blamed him for Martina's wrist injury.

{¶ 9} A.M. told the detective that on March 14, he donated plasma, after which Esqueda and Martina drove him to 713 Parker Avenue, where the first assault occurred. Later that day, he was driven to the Red Roof Inn, where the assaults continued. Over the course of the following week, A.M. was continually assaulted at the house on Parker and in the room at the Red Roof Inn. A.M. said that the main perpetrators of the abuse were Esqueda, Martina, Cessna, and Johnston.

{¶ 10} A.M. described the abuse he suffered as including restrictions on using the restroom, withholding of food and water, being forced to stand in the corner for hours, not being permitted to sit, and being beaten and assaulted if he failed to follow instructions. When asked what each co-defendant specifically did to him inside the hotel room, A.M. said that Martina would “call the shots” and direct Esqueda and the other co-defendants to assault him in some way. A.M. said that all four of them punched him using closed fists multiple times all over his body. A.M. recalled that Cessna kicked him and stomped on his ribs. He also stated that all four of them struck him with a bat in multiple areas of his body on multiple occasions. A.M. said that Esqueda used several objects, including the handle of the bat, a fork, and a knife with brass knuckles, and forcibly put the objects in his buttocks. A.M. recalled that on one day, Esqueda and his co-defendants took turns holding his legs open and hitting him with the bat in the groin area.

{¶ 11} A.M. explained that he stayed with Esqueda and the co-defendants because he was scared to leave, as he was threatened by all four of them that they would “beat his ass” or put him in jail. A.M. said that Cessna also threatened to kill him multiple times. A.M. also recalled hearing Cessna tell Martina that “if he handled the victim he would go to jail because he would kill him.” A.M. said that throughout the abuse, he was fearful for his safety and believed that the threats were real and that the co-defendants would act on them.

{¶ 12} Officers located the aforementioned bat in a clothing donation bin, and Esqueda and the co-defendants were taken into custody. During the interview with

detectives, Esqueda admitted to assaulting A.M. on two separate occasions. Esqueda denied using any weapons on A.M. and claimed that “he would usually black out and not remember what happened.” Esqueda insisted that he was acting in defense of his wife, Martina, and that he believed that A.M. was “obsessed” with her. Esqueda also admitted to witnessing Cessna and Johnson assault A.M. Esqueda further claimed that they all told A.M. that he was free to leave and denied any threats being made if he did leave.

{¶ 13} A.M. was in the hospital from March 21, 2025, through March 23, 2025, for treatment of his injuries. He was diagnosed with closed fractures of multiple ribs, a closed fracture of his sternum, and a closed fracture of the proximal end of the left fibula. A.M. was discharged with further medical intervention required, including physical therapy.

{¶ 14} Esqueda told the Adult Probation Department’s interviewer that he entered a guilty plea because “he wanted to do what was best for him to get his life back on track.”

### **Sentencing Hearing**

{¶ 15} On December 30, 2025, a sentencing hearing was held. The trial court began the hearing by addressing the issue of merger, as raised by Esqueda in his December 22, 2025 sentencing memorandum, wherein he argued that merger for purposes of sentencing was appropriate because, according to him, he “lacked any distinct animus” when he beat A.M.

{¶ 16} The State countered that the two counts of felonious assault should not merge, because “the first count [Count 2] related specifically to a left leg fracture,

whereas the second count [Count 3] was for multiple left and right rib fractures.” The State explained that because the victim’s harms were separate and identifiable, the offenses should not merge. The State emphasized: “Here the victim suffered separate and distinct injuries over a significant period of time, which are separate and identifiable harm....”

{¶ 17} The State also argued that the felonious assault counts should not merge with the kidnapping count:

Here we have multiple and a prolonged event of kidnapping which included torture and terrorizing the victim separate and apart from the beatings the victim suffered that resulted in serious physical harm that is noted as Count 1 or Count 2 and Count 3, the felonious assaults.

Those included making the victim stand for hours at end, cleaning the disturbingly dirty hotel room with his body parts, pouring rancid chocolate milk on the victim. This all lasted for an extended period of time, and those are only portions of the harm that were suffered by the victim. Those show a separate animus from the felonious assault and would argue that they do not merge or the kidnapping does not merge with the felonious assault....

{¶ 18} Ultimately, the trial court ordered Esqueda to serve terms of imprisonment as follows. For the offense of kidnapping (Count 1), Esqueda was ordered to serve a minimum period of eight years and a maximum term of 12 years. For each of the offenses of felonious assault (Counts 2 and 3), Esqueda was ordered to serve a minimum period of four years and a maximum term of six years. The sentences were ordered to be served consecutively.

{¶ 19} Regarding the consecutive sentencing, the trial court made the following

findings:

The Court will note that this is being necessary to fulfill 2929.11, 2929.14(E), not disproportionate to the seriousness of the offender's conduct or the danger the offender poses.

The Court further finds to protect the public from future crime or to punish the offender, plus at least two of these 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 committed was so great or unusual, no single prison term for any of the offenses committed as part of the course of conduct adequately reflects the seriousness of the offender's conduct. That puts you at 16 to 20 years for the total sentence in this case.<sup>[1]</sup>

{¶ 20} The journal entry memorializing Esqueda's sentence states:

Defendant ordered to serve a minimum prison term of 8 years as to count 1 and a maximum prison term of 12 years. Defendant ordered to serve a minimum prison term of 4 years as to count 2 and a maximum prison term of 6 years for an aggregate sentence of 16 to 20 years. Defendant ordered to serve a minimum prison term of 4 years as to count 3 and a maximum prison term of 6 years. Being necessary to fulfill the purposes of R.C. 2929.11 and 2929.14(C)(4), consecutive sentences are necessary to protect the public from future crime or to punish the offender and are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public. The court further finds 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 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.

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<sup>1</sup> We note that although the trial court stated that total prison term is "16 to 20 years," the aggregate prison term as imposed is in fact 16 to 24 years.

## Assignments of Error

{¶ 21} On appeal, Esqueda asserts the following assignments of error:

- I. The trial court abused its discretion by failing to merge all appropriate sentences on the basis of allied offenses of similar import.
- II. In the alternative, the trial court did not support its decision for consecutive sentences with facts in the record.

## Law and Analysis

### First Assignment of Error

{¶ 22} Esqueda argues in his first assignment of error that the trial court abused its discretion in failing to merge his two felonious assault convictions. “R.C. 2941.25 codifies the protections of the Double Jeopardy Clause of the Fifth Amendment to the United States Constitution and Section 10, Article 1 of the Ohio Constitution, which prohibit multiple punishments for the same offense.” *State v. Rogers*, 2022-Ohio-4126, ¶ 16 (6th Dist.). That statute 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.

R.C. 2941.25.

{¶ 23} The test for determining whether allied offenses should be merged is as follows:

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 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.

*State v. Bailey*, 2022-Ohio-4407, ¶ 10, quoting *State v. Earley*, 2015-Ohio-4615, ¶ 12, quoting *State v. Ruff*, 2015-Ohio-995, ¶ 31. “[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.

{¶ 24} “The defendant bears the burden of establishing his entitlement to the protection, provided by R.C. 2941.25, against multiple punishments for a single criminal act.” *State v. Washington*, 2013-Ohio-4982, ¶ 18, quoting *State v. Mughni*, 33 Ohio St.3d 65, 67, (1987); *State v. Smith*, 2023-Ohio-866, ¶ 10 (6th Dist.). “An appellate court reviews de novo whether offenses should be merged as allied offenses under R.C. 2941.25. *Smith* at ¶ 10, citing *Bailey* at ¶ 6.

{¶ 25} R.C. 2903.11, the felonious assault statute, relevantly provides: “No person shall knowingly...[c]ause serious physical harm to another...” *Id.* at (A)(1). Esqueda argues that because “[t]here is no information provided as to exactly when [he] assaulted the victim, or when the other parties assaulted the victim – that is, whether the assaults

were actually separate events, or whether all of the parties beat the victim as a group, but in turn, and presumptively striking multiple blows, essentially all at the same time,” “the sentences for the two assaults should be merged.”

{¶ 26} “Offenses are committed separately within the meaning of R.C. 2941.25(B) if one offense was complete before the other offense occurred, ... notwithstanding their proximity in time and that one [offense] was committed in order to commit the other.” (Internal quotations omitted.) *State v. Tripplett*, 2023-Ohio-4644, ¶ 33 (8th Dist.), quoting *State v. Jones*, 2023-Ohio-380, ¶ 175 (8th Dist.), quoting *State v. Woodard*, 2022-Ohio-3081, ¶ 38. Thus, ““when one offense is completed prior to the completion of another offense during the defendant’s course of conduct, those offenses are separate acts.”” *Jones* at *id.*, quoting *Woodard* at *id.*

{¶ 27} Here, the State opposed merging the two felonious assault offenses because each assault resulted in separate and identifiable harms to A.M., namely that the first count of felonious assault (Count 2) was attributable to A.M.’s fractured left leg, while the second count (Count 3) was due to the multiple rib fractures A.M. suffered on both sides of his body.

{¶ 28} There is nothing in the record to suggest that Esqueda committed the two felonious assault offenses simultaneously; instead, the evidence strongly indicates that they were committed separately, whether or not closely in time, as part of Esqueda’s lengthy course of conduct. *See Tripplett* at ¶ 33. It follows that the harm caused by the conduct that resulted in the fractured leg was separate and distinct from the harm caused by the conduct that resulted in the multiple rib fractures. Therefore, the two offenses were

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not allied offenses of similar import. *See Ruff* at ¶ 23, 31. Accordingly, Esqueda’s first assignment of error is found not well-taken.

## **Second Assignment of Error**

{¶ 29} Esqueda argues in his second assignment of error that “the trial court did not support its decision for consecutive sentences with facts in the record.”

{¶ 30} Appellate review of felony sentences is governed by R.C. 2953.08(G). *State v. Peoples*, 2025-Ohio-5777, ¶ 18 (6th Dist.). The statute provides that an appellate court “may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing court for resentencing” only if it clearly and convincingly finds either of the following:

(a) That the record does not support the sentencing court's findings under division (B) or (D) of section 2929.13, division (B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code, whichever, if any, is relevant;

(b) That the sentence is otherwise contrary to law.

*Id.* at ¶ 18, citing R.C. 2953.08(G)(2).

{¶ 31} Esqueda challenges the trial court’s imposition of consecutive sentences under R.C. 2929.14(C). Under that section, a trial court may impose consecutive sentences for convictions of multiple offenses if it finds that consecutive sentences (1) are necessary to protect the public or to punish the offender; (2) are not disproportionate to the seriousness of the offender’s conduct and to the danger the offender poses to the public; and (3) one of the following:

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

(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.

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

*State v. Johnson*, 2023-Ohio-2008, ¶ 31 (6th Dist.).

{¶ 32} The trial court must make these findings at the sentencing hearing and must incorporate them into its sentencing entry. However, the trial court is not required to state the reasons behind its findings. *Id.* In addition, “a word-for-word recitation of the language of the statute is not required...as long as the reviewing court can discern that the trial court engaged in the correct analysis and can determine that the record contains evidence to support the findings....” (Internal quotations omitted.) *State v. Blanton*, 2023-Ohio-2242, ¶ 25 (6th Dist.), citing *Bonnell* at ¶ 29.

{¶ 33} Esqueda acknowledges that the trial court made the requisite consecutive sentencing findings. But he claims that the record contains insufficient facts to support the harm caused by his assaults, when they occurred, or any explanation as to his state of mind related to these crimes.

{¶ 34} As explained above, the harm caused by Esqueda's assaults included a fractured left leg and multiple rib fractures on both sides of A.M.'s body. The evidence shows that A.M. was held against his will in a motel room by Esqueda and his co-defendants for approximately one week. During that time, A.M. was physically assaulted and tortured by Esqueda and the co-defendants. It cannot be said that the record clearly and convincingly fails to support the trial court's findings. Esqueda's second assignment of error is therefore found not well-taken.

### Conclusion

{¶ 35} The judgment of the Lucas County Court of Common Pleas is affirmed. Appellant is ordered to pay the costs of appeal pursuant to App.R. 24.

Judgment affirmed.

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

Thomas J. Osowik, P.J.

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JUDGE

Myron C. Duhart, J.

CONCUR.

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JUDGE

Gene A. Zmuda, J.

CONCURS AND WRITES  
SEPARATELY.

\_\_\_\_\_  
JUDGE

**Zmuda, J., concurring**

{¶ 36} Because I agree in affirming the judgment but disagree regarding the record relative to Esqueda’s first assignment of error, I write briefly in concurrence to clarify this record.

{¶ 37} Esqueda entered a negotiated guilty plea to one count of kidnapping and two counts of felonious assault, resulting in dismissal of the remaining charges in the indictment. At the time of plea, the State did not recite facts that would have been proven at trial into the record, based on the guilty plea. Prior to sentencing, Esqueda filed a sentencing memorandum, seeking merger of the two felonious assault counts.

{¶ 38} We have previously recognized that “where a plea is entered, the factual predicate for the offenses is often not well-developed in the record.” *State v. Street*, 2026-Ohio-864, ¶ 13 (6th Dist.), citing *State v. Fisher*, 2023-Ohio-2088, ¶ 22-23 (6th Dist.). Thus, the merger analysis depends on a limited record, including facts recited into the record by the state that support the plea at the plea hearing, factual statements within the presentence investigation report, and merger argument at the sentencing hearing. *Id.*, citing *Id.*

{¶ 39} In this case, there were no facts presented at the plea hearing. However, Esqueda filed a sentencing memorandum seeking merger of the two felonious assault counts, with no request for merger relative to the kidnapping count. In that memorandum, Esqueda referenced the two separate assaults and argued they should be treated as continuing conduct with a single animus. Esqueda stated:

Mr. Esqueda's conduct was limited to a four-day period. *The two distinct episodes*, while alarming, were brief in duration and without any rationale or distinct purpose save Mr. Esqueda's being ordered to beat the victim. Mr. Esqueda lacked any distinct animus – his conduct was motivated by his wife's demands. Mr. Esqueda's conduct and animus were focused on satisfying his wife's order. (Emphasis added.).

{¶ 40} At the sentencing hearing, the State opposed Esqueda's request for merger, noting the two counts of felonious assault related to a leg fracture and rib fractures, "as listed in the State of Ohio's bill of particulars." The State argued that separate and identifiable injuries constitute separate offenses not subject to merger, citing *State v. Greer*, 2022-Ohio-3082 (6th Dist.). The State also opposed merger of the kidnapping count with any other count, despite no request for merger by Esqueda relative to the kidnapping count.

{¶ 41} The trial court considered the record, which included the sentencing memorandum, the argument of the parties at sentencing, and the presentence investigation report, and denied Esqueda's request to merge the two felonious assault counts at sentencing. Based on this record, the merger analysis is simple and does not require an extensive recitation of the horrific acts endured by A.M., as presented in the presentence investigation report.

{¶ 42} While R.C. 2929.19(B)(1)(a) required the trial court to review the presentence investigation report for the purpose of determining sentence, Esqueda admitted separate injuries caused by separate assaults and reserved his merger argument to disputing a separate animus for his conduct "over a four-day period" in which he admittedly acted in "two distinct episodes." However, as the Ohio Supreme Court

explained in *State v. Ruff*, 2015-Ohio-995, ¶ 25, an accused is not entitled to merger under R.C. 2951.25 when “(1) the offenses are dissimilar in import or significance—in other words, each offense caused separate, identifiable harm, (2) the offenses were committed separately, or (3) the offenses were committed with separate animus or motivation.”

{¶ 43} Thus, I find Esqueda’s first assignment of error not well-taken, noting Esqueda’s admission to separate assaults and the State’s assertion, contained within its Bill of Particulars, of separate injuries. With this clarification, I respectfully concur.

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| <p>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:<br/><a href="http://www.supremecourt.ohio.gov/ROD/docs/">http://www.supremecourt.ohio.gov/ROD/docs/</a>.</p> |
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