

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

State of Ohio

Court of Appeals No. L-25-00274

Appellee

Trial Court No. CR02024-02660

v.

Christopher Wilhelm

DECISION AND JUDGMENT

Appellant

Decided: October 9, 2026

* * * * *

Julia R. Bates, Prosecuting Attorney, and
Brenda J. Majdalani, Assistant Prosecuting Attorney, for appellee.

Patricia Horner, for appellant.

* * * * *

OSOWIK, J.

Procedural History

Indictment

{¶ 1} On November 19, 2024, the Lucas County Grand Jury indicted Christopher Wilhelm on three counts of sexual battery, in violation of R.C. 2907.03(A)(7) and (B), each count a third-degree felony.

Plea and Sentence

{¶ 2} Ultimately, a plea agreement was reached and on October 7, 2025, Wilhelm entered guilty pleas to Counts 1 and 2. The remaining count of the indictment was dismissed. On October 28, 2025, he was sentenced to serve 48 months on Count 1 and Count 2. The sentences were to be served consecutively to each other and to a prison sentence of 60 -180 months that was imposed as a result of being found guilty of three counts of Criminal Sexual Conduct- Third Degree (Student)(F), in Michigan that involved the same victim.

Assignments of Error

{¶ 3} Wilhelm sets forth two assignments of error for our review:

- I. APPELLANT’S RIGHT OF ALLOCUTION WAS VIOLATED.
- II. THE CONSECUTIVE SENTENCES WERE CONTRARY TO LAW.

Inability to hear the victim

{¶ 4} In his first assignment of error, appellant alleges his right of allocution was violated at the sentencing hearing. At the sentencing hearing, the victim was permitted to read a statement by way of a Zoom video conference call. Wilhelm claims that it was unclear whether the State, appellant or his counsel “could hear the victim at their respective computers” and therefore was prejudiced. Appellant asserts that the “inability to hear the victim’s statements should be presumed, in light of the vagueness of the statements by the court when it stated “[Y]ou attorneys can’t see it [Zoom]. I can hear you [to the victim by the Court].”

{¶ 5} However, we note that from a review of the transcript of the sentencing proceeding that it appears the Zoom call was made through the trial court's bench computer only and not broadcast to any other computer in the courtroom. In either event, the transcript does not reflect any inaudible statements when the victim was speaking. The court reporter did not indicate that the transcription was prepared using another medium such as digital or audio recordings. Therefore, we can presume that the court reporter was present and did not have any difficulty in hearing the victim speaking during the Zoom call.

{¶ 6} Curiously, appellant does not specifically point to anything in the record that would support any notion that anyone had difficulty in hearing the victim's statement.

{¶ 7} Based upon our review of the record, we can find no merit to the assertion that appellant and/or his counsel were unable to hear the victim's Zoom statement in the courtroom.

The Victim's Zoom Statement

{¶ 8} Wilhelm further claims that the victim's statement included new information and that he was prejudiced by not being able to respond to it. Specifically, allegations that he isolated and manipulated the victim and also blackmailed the victim with threats of grade retaliation.

{¶ 9} At the outset of the sentencing hearing, the Court acknowledged having received a letter from the victim that the Court would not be disclosing stating, "It is appropriate to do so (not disclose the letter)." While, at the conclusion of the victim's

statement, the Court stated, “All right, so the content of the statement by MW is largely the complete letter as provided before the sentencing hearing.”

{¶ 10} Under R.C. 2929.19(B)(1)(a), when sentencing an offender, a trial court must consider the following information at the sentencing hearing: (1) the record; (2) any information presented at the hearing by the offender, the prosecuting attorney, the victim or the victim's representative, and any other person approved by the trial court; (3) the presentence investigation report; and (4) any victim impact statement.

{¶ 11} However, in *State v. Fowler*, 2022-Ohio-3499, ¶ 15 (6th Dist.), we recognized that a sentence may be “contrary to law” where the trial court relies on information from a source outside of those authorized by R.C. 2929.19(B)(1)(a). Other Ohio courts have explained that whatever the court considers for sentencing should be either part of the presentence investigation or “present” at the sentencing hearing before allocution. *State v. Sears*, 2023-Ohio-1925, ¶ 7-9 (6th Dist.), citing *State v. Yates*, 2011-Ohio-3619, ¶ 25 (2d Dist.); *State v. Light*, 2023-Ohio-1187, ¶ 24 (11th Dist.).

{¶ 12} The appellee responds that the victim statements made at sentencing did not constitute new information as it was essentially the same information contained in the presentence report. In fact, the report contains a detailed description of the offenses and that the criminal acts involved crossing state lines. It also noted numerous encounters and the victim status as a student as well as threats to blackmail the victim with poor grades. A review of the transcript of the Zoom call indicates that anything further provided by the victim on the day of sentencing related only to the personal harm caused

to her and was not new material. The victim impact statement given at sentencing therefore was properly confined to information expressly permitted under R.C. 2929.19(B)(1)(a).

Allocution

Ohio Criminal Rule 32

{¶ 13} Crim.R. 32(A)(1), states “at the time of imposing sentence, the court shall ...afford counsel an opportunity to speak on behalf of the defendant and address the defendant personally and ask if he or she wishes to make a statement in his or her own behalf or present any information in mitigation of punishment.”

{¶ 14} It is undisputed that the Court did personally address Wilhelm prior to the victim’s Zoom statement and he declined further comment beyond what his counsel argued. The trial court therefore complied with the allocution mandates of Crim.R. 32(A)(1).

{¶ 15} Nonetheless, Wilhelm complains that the trial court referenced information previously not disclosed to him, then immediately proceeded to sentencing without providing him with the opportunity to address this new information.

R.C. 2930.14(B)

{¶ 16} Without specifically referencing the statute in his brief, appellant seems to invoke R.C. 2930.14(B) which provides:

(B) The court shall consider a statement made by a victim or victim's representative under division (A) of this section along with other factors that the court is required to consider in imposing sentence or in determining the order of disposition. If

the statement includes new material facts, the court shall not rely on the new material facts unless it continues the sentencing or dispositional proceeding or takes other appropriate action to allow the defendant or alleged juvenile offender an adequate opportunity to respond to the new material facts.

{¶ 17} We will note that R.C. 2930.14(B) does not provide a second absolute right of allocution as suggested by Wilhelm. In contrast to Crim. R. 32, the statute does not require the trial court to ask the defendant personally if he or she wishes to respond to the victim impact statement. Rather, the statute requires that before the trial court may rely on new material facts presented in the victim impact statement, the trial court must give the defendant an opportunity to respond to the new material facts, whether by continuing the hearing or other means. *State v. Bender*, 2025-Ohio-760, ¶ 6-7, (5th Dist.).

{¶ 18} In this case, we have found the Zoom victim statement did not contain new material facts or information concerning the appellant that was not already previously disclosed in the presentence investigation.

{¶ 19} At sentencing, appellant did not object to any information provided in the victim's statement. Moreover, the record is devoid of any evidence which demonstrates that the trial court's sentence was based upon any new information that could have been revealed by the victim Zoom statement. To the contrary, the trial court stated:

The Court has considered the record, oral statements, victim impact statements, pre-sentence reports, the principles and purposes of sentencing under 2929.11 and I have also balanced the seriousness and recidivism factors under 2929.13 - - sorry .12, and considered all of the factors in 2929.13D.

The court continued:

The events that took place in Michigan were their own series of events. At least two additional that we are dealing with here in this case on the sentencing. Count 3 may have also been a similar charge, but that's being dismissed. But that's at least multiple locations, multiple times, specifically multiple events, specifically multiple horrendous experience by the complaining witness, MW.

{¶ 20} The court also considered the fact that appellant had been sentenced in Michigan on related charges with the same victim and concluded, "Defendant's criminal history with the charges that were handled up in Michigan also plays into this situation."

{¶ 21} Here, the trial court's sentence was based upon the facts of the current offenses that were before the court and the fact that it involved a Michigan prosecution with the same student victim. Therefore, 2930.14(B) is not implicated in Wilhelm's case and any additional response from appellant is not required by the statute.

{¶ 22} For the forgoing reasons, we find Wilhelms's first assignment of error not well-taken.

{¶ 23} Wilhelm further presents to this court another assignment of error for our review:

II.THE CONSECUTIVE SENTENCES WERE CONTRARY TO LAW

{¶ 24} Appellant argues that the consecutive sentences were contrary to law as the record does not support the trial court's determination under R. C. 2929.14 (C)(4).

{¶ 25} When imposing consecutive sentences on a defendant, pursuant to R.C. 2929.14(C)(4) the trial court must make three findings: (1) that consecutive sentences are necessary to protect the public or to punish the offender; (2) that consecutive sentences

are not disproportionate to the seriousness of the offender's conduct and to the danger that the offender poses to the public; and (3) that one of the conditions in R.C.

2929.14(C)(4)(a)-(c) applies. *State v. Ashton*, 2026-Ohio-2023, ¶ 11 (6th Dist.), citing *State v. Beasley*, 2018-Ohio-493, ¶ 252.

{¶ 26} Review on appeal is deferential and limited by the appellate-review statute: the appellate court may examine whether the trial court's findings supporting consecutive sentences are clearly and convincingly unsupported by the record, R.C. 2953.08(G)(2)(a), and may also examine whether the sentence is ‘otherwise contrary to law,’ R.C. 2953.08(G)(2)(b) reweigh the evidence or substitute its judgment based on subjective disagreement with the trial court. *Id.* at ¶ 25. The trial court is ‘clearly in the better position to judge a defendant’s dangerousness and to ascertain the effect of the crimes on the victims.’ *Id.* at ¶ 34, quoting *State v. Jones*, 2001-Ohio-1341.

{¶ 27} In support of this assignment of error, Wilhelm takes issue with two of the trial court's findings.

One or More Courses of Conduct

{¶ 28} First, he argues that the trial court's finding that Wilhelm’s conduct was committed as part of one or more courses of conduct was improper. Appellant points out that the Count 1 offense date occurred on or about October 29, 2022, and Count 2 alleges conduct that occurred on or about September 1 through November 30, 2022.

{¶ 29} Wilhelm argues that the two separate offenses that occurred on October 29, 2022, and on October 21, 2022, should have been considered by the trial court as one

event for purposes of sentencing. At best, we find that argument to be facetious. The two Ohio offenses occurred eight days apart. This demonstrates that they were separate criminal acts, not a single event. Furthermore, the broader Count 2 charging period of September through November 2022 reflects a sustained course of predatory conduct by a teacher against a 17-year-old student.

{¶ 30} The record clearly supports the trial court’s finding that the appellant’s acts were committed as a part of one or more courses of conduct.

Danger to the Public

{¶ 31} Second, Wilhelm also argues that the court erred by finding that the appellant was a danger to the public, in light of his lack of criminal history (other than the related Michigan convictions) and the fact these offenses are classified as third degree felonies which do not carry a presumption of incarceration. We have addressed and rejected this nearly identical argument in *State v. Ryan*, 2022-Ohio-1888 (6th Dist.). Ryan had sexual encounters with a student while employed as a high school teacher. He pled guilty to a violation of R.C. 2907.03(A)(7)(B), Sexual Battery and Tampering With Evidence in violation of R.C. 2921.12(A)(1),(2) and (B), each classified as a felony of the third degree. The trial court noted the harm to the victim and even though Ryan had surrendered his teaching license and might not commit this specific offense again involving a student, he certainly could commit a sexual offense again particularly with a younger person, posing a danger to the public.

{¶ 32} Like Ryan, Wilhelm mainly highlights his lack of significant criminal history to challenge the trial court’s findings regarding his prospective danger to the public. Notably, he does not dispute that the trial court engaged in the required analysis under R.C. 2929.14(C).

{¶ 33} We must affirm the imposition of consecutive sentences where we can discern that the trial court engaged in the correct analysis and can determine that the record contains evidence to support the findings. *Id.* at ¶ 34. R.C. 2953.08(G) places the burden on Wilhelm to “identify clear and convincing evidence that the record does not support the trial court's findings under R.C.2929.14(C)(4).” *Id.* at ¶ 30, citing *State v. Kiefer*, 2021-Ohio-3059, ¶ 8 (6th Dist.).

{¶ 34} Considering this record, Wilhelm has failed to meet that burden. We therefore find Wilhelms’s second assignment of error not well-taken.

Conclusion

{¶ 35} Based on the foregoing, the judgment of the Lucas County Common Pleas Court is affirmed. Appellant is ordered to pay the costs of this appeal under App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.
See also 6th Dist.Loc.App.R. 4.

Thomas J. Osowik, P.J.

JUDGE

Gene A. Zmuda, J

JUDGE

Myron C. Duhart, J
CONCUR.

JUDGE

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