[Cite as *State v. King*, 2026-Ohio-4465.]

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

State of Ohio — Court of Appeals No. {48}L-25-00316

Appellee — Trial Court No. CR0202500708

v.

Jeffrey King — **DECISION AND JUDGMENT**

Appellant — Decided: November 10, 2026

* * * * *

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

Laurel A. Kendall, for appellant.

* * * * *

ZMUDA, J.

I. Introduction

{¶ 1} This matter is before the court on appeal of the judgment of the Lucas County Court of Common Pleas, sentencing appellant, Jeffery King, to 12 months in prison for patient endangerment in violation of R.C. 2903.341(B) and (E)(3), following a jury trial. Finding no error, we affirm.

II. Facts and Procedural History

{¶ 2} On March 3, 2024, King and a coworker, Lashaun Coates, were caring for E.K., a 19-year-old man with developmental disabilities, when E.K. became entangled in a safety harness and died from asphyxiation. At the time, E.K. was residing in a group home for adults in Wood County, Ohio, where King and Coates were employed.

{¶ 3} E.K. was autistic and suffered from Lennox-Gastaut Syndrome (LGS), which caused developmental delays and seizures. Because of his developmental delays, E.K. was unable to verbally communicate and he did not understand risk or danger. E.K. was described as functioning at the level of a toddler. E.K. was child-like and "rambunctious," enjoying the park, toys, and car rides. Consequently, E.K. had an individual service plan (ISP) to address his lack of communication or comprehension of danger, requiring close and constant supervision, two-to-one supervision while he was awake, and at least one caregiver within arm's reach of E.K. at all times. E.K.'s ISP also addressed vehicle safety, requiring a harness while the vehicle was moving and a caregiver seated either next to him or directly in front of him, within reach to intercept dangerous behavior.

{¶ 4} In addition to E.K.'s inability to communicate or appreciate risk or danger, E.K. suffered frequent seizures and was treated with anti-epileptic medications. E.K. also had a vagal nerve stimulator (VNS) placed in his chest. The VNS operated in automatic mode to stop the seizures, but the VNS also had a "magnet mode" for breakthrough seizures. In magnet mode, another person placed a magnet over the VNS to activate the device. E.K.'s caregivers carried the magnet and were trained in recognizing signs that

E.K. was having a seizure and trained to properly use the magnet over the VNS. This training reiterated the importance of close and constant supervision.

{¶ 5} E.K. enjoyed car rides in the group home van. This was a common activity for the group home residents, including E.K., and E.K. was fitted with a safety harness for riding in the van. The harness attached to the van's seat with a tether to secure E.K. for travel. During his training period, King accompanied two other caregivers in taking E.K. and his roommate for a ride, and King was trained on the importance of close and constant supervision. During a previous ride, King observed E.K. escape the harness, and the driver stopped the van so another caregiver could re-secure E.K.

{¶ 6} On the day of E.K.'s death, E.K. had a new harness, and King and Coates needed assistance to secure E.K. in the van. Neither King nor Coates had been trained in use of the new harness. Both King and Coates, however, had been trained on E.K.'s ISP which stressed close and constant supervision. King had been working for about three weeks at the time of E.K.'s death. Coates had been employed for about a month and a half.

{¶ 7} Coates drove the van to her cousin's house to get barbecue for dinner. Coates exited the van and went inside the home for food, and when she returned after about five minutes, she noted that E.K. was tangled in his seatbelt/harness and turning purple. According to Coates, King was in the front seat scrolling on his phone while E.K. struggled to breathe. Neither Coates nor King knew where the seatbelt cutter was, and King called his supervisor to get direction. King then located the cutter and gave it to

Coates, who freed E.K. from his harness. Both Coates and the supervisor told King to call 911.

{¶ 8} King told the 911 operator that E.K. strangled himself on his harness. King spoke to 911 while Coates worked to free E.K. and place him on his back. Coates' statements to King were also recorded on the 911 call. Coates, sounding upset, asked King if he was watching E.K. King responded, "I was watching him, he was trying to get out." It took about 25-35 minutes for an ambulance to arrive and assist in removing E.K. from the back of the van. E.K. died from his injuries.

{¶ 9} Police investigated the death, and in addition to photographing the van, collecting the harness and seatbelt cutter as evidence, and interviewing witnesses, police also interviewed King and recorded the interview. King told police that he could hear E.K. struggling with his harness and described the prior time that E.K. escaped from his harness. As to the incident leading to E.K.'s death, King told police,

> He tried to slip out of it, and I just sat there watching him slip out of it. But I thought he gave up. And he was just sitting there 'cause his feet were hanging over the front of the – uh, the, the front seat. So he was just chill.

King also referenced the way E.K. was sitting as "all mangled up," but characterized that as the normal way E.K. sits in the vehicle. King stated that he saw the harness wrapped around E.K.'s torso, "his neck, chest, stomach, and groin."

{¶ 10} Following the police investigation, King was indicted on one count of patient endangerment in violation of R.C. 2903.341(B) and (E)(3), a felony of the third

degree. The matter proceeded to a jury trial on November 4, 2025.[1] The State's theory of the case was that King was reckless in not responding to E.K.'s distress, of which King was aware, resulting in E.K.'s death by asphyxiation. The defense case focused on the new harness as the cause of E.K.'s death, characterizing King's conduct as the result of inadequate training.

{¶ 11} The State's witnesses testified regarding E.K.'s ISP, the training provided to King, the use of the safety harness, and King's conduct as demonstrated by testimony, the recording of the 911 call, and the recording of King's interview by police. At the close of the State's case, King, through his trial counsel, moved for judgment of acquittal under Crim.R. 29(A). The trial court denied the motion, and King rested his case without presenting testimony.

{¶ 12} After closing argument, the trial court instructed the jury, and as part of the instruction, the trial court provided the definition of "recklessness" as set forth in R.C. 2901.22(C). During deliberations, the jury requested clarification of the definition for "recklessness." The trial court instructed the jury that the definition was provided with the jury instructions, and the jury had all necessary information for its deliberation.

{¶ 13} Following deliberation, the jury found King guilty of patient endangerment.

{¶ 14} At the sentencing hearing on December 18, 2025, the trial court determined King was not amenable to community control and sentenced King to 12 months in prison. King filed a timely appeal of the judgment.

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[1] This was the second trial; King's first trial ended in a mistrial after the jury could not reach a verdict.

III. Assignments of Error

{¶ 15} In challenging the judgment, King asserts two assignments of error:

1. The trial court abused its discretion when it denied Appellant's motion for acquittal pursuant to Crim.R. 29, because there was insufficient evidence of recklessness presented to support presentation to the jury.

2. In the alternative, the conviction was not supported by the manifest weight of the evidence, including the default mens rea of recklessness.

IV. Analysis

{¶ 16} To sustain a conviction for patient endangerment, the State must prove that the defendant is a "developmental disabilities caretaker" and that the defendant created "a substantial risk to the health or safety of a person with a developmental disability." R.C. 2903.341(B). Additionally, "[i]f the violation results in serious physical harm to the person with a developmental disability, patient endangerment is a felony of the third degree." R.C. 2903.341(E)(3).

{¶ 17} King does not dispute that he was a developmental disabilities caretaker or that the victim suffered serious physical harm and died by asphyxiation while in King's care. King limits his challenge to the sufficiency and weight of the evidence demonstrating recklessness, the mens rea element of the offense. We address each challenge in turn.

A. Sufficiency

{¶ 18} In his first assignment of error, King argues that the State presented insufficient evidence to demonstrate he acted recklessly to sustain a conviction for patient

endangerment. King challenges the trial court's denial of his motion for judgment of acquittal pursuant to Crim.R. 29(A).

{¶ 19} As provided by Crim.R. 29(A), a court shall enter judgment of acquittal "if the evidence is insufficient to sustain a conviction" as to the charged offense. We review denial of a Crim.R. 29(A) motion de novo, as a question of law. *State v. Rance,* 2022-Ohio-4125, ¶ 6 (6th Dist.), citing *State v. Thompkins,* 78 Ohio St.3d 380, 386-387 (1997). "A motion for acquittal under Crim.R. 29(A) is governed by the same standard as the one for determining whether a verdict is supported by sufficient evidence." *State v. Tenace,* 2006-Ohio-2417, ¶ 37, citing *Thompkins* at 386 (additional citation omitted.).

{¶ 20} "A sufficiency of the evidence argument disputes whether the State has presented adequate evidence on each element of the offense to allow the case to go to the jury or sustain the verdict as a matter of law." *State v. Bagley,* 2019-Ohio-3193, ¶ 17 (2d Dist.), citing *Thompkins* at 386 (additional citation omitted.). In addressing the sufficiency of the evidence, we review the record and consider the evidence most favorably for the State and determine whether "any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt." *State v. Nastal,* 2022-Ohio-970, ¶ 26, quoting *State v. Smith,* 80 Ohio St.3d 89, 113 (1997).

{¶ 21} Here, King only challenges the evidence demonstrating the mens rea element of the offense, or that he recklessly created a substantial risk to E.K. While R.C. 2903.341 does not specify a particular degree of culpability, the statute also does not provide for strict liability. Therefore, the State needed to demonstrate that King acted recklessly. *See State v. McMillen,* 2009-Ohio-210, ¶ 24 (5th Dist.), citing *State v. Colon,*

2008-Ohio-1624, ¶ 14, *overruled on other grounds* by *State v. Horner,* 2010-Ohio-3830, ¶ 45; *see also* R.C. 2901.21(C)(1) ("When language defining an element of an offense that is related to knowledge or intent or to which mens rea could fairly be applied neither specifies culpability nor plainly indicates a purpose to impose strict liability, the element of the offense is established only if a person acts recklessly.").

{¶ 22} The trial court provided the instruction for "recklessness," "causation," and "substantial risk," as follows:

> Recklessly
> A person acts recklessly when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that such circumstances are likely to exist.
>
> Causation
> Cause. The State charges that the failure to act of the defendant caused the physical harm to [E.K.]. Cause is an essential element of the offense. Cause is an act or failure to act that in a natural and continuous sequence directly produces the physical harm to a person and without which it would not have occurred.
>
> Natural consequences. The defendant's responsibility is not limited to the immediate or most obvious result for the defendant's failure to act. The defendant is also responsible for the natural and foreseeable consequences that follow, in the ordinary course of events, from the failure to act.
>
> Other causes not a defense. There may be one or more causes of an event. However, if a defendant's failure to act was one cause, then the existence of other causes is not a defense.
>
> Intervening causes. The defendant is responsible for the natural consequences of the defendant's unlawful failure to act, even though death or physical harm was also caused by the intervening act or failure to act of another person.

> Substantial Risk
> "Substantial risk" means a strong possibility, as contrasted with a remote or a significant possibility, that a certain result may occur or that certain circumstances may exist.

{¶ 23} While not challenging the trial court's jury instructions, King argues that his admitted *inaction* demonstrated only negligence, and not the recklessness required for conviction. This ignores the State's evidence of E.K.'s ISP requirements, and King's disregard of the need for close and constant supervision, specified by the ISP. Additionally, King cites to no authority that requires an affirmative act to demonstrate recklessness for purposes of patient endangerment. The statutory definition of "recklessness" does not specify an affirmative act but references a disregard for a substantial and unjustifiable risk. *See* R.C. 2901.22(C). A failure to act, moreover, can rise to the level of recklessness. *See, e.g., State v. Bagley,* 2019-Ohio-3193, ¶ 24 (2d Dist.) (patient endangering conviction upheld where caregiver left shift early, leaving patients of group home unattended in contravention of the patients' various ISPs requiring constant supervision).

{¶ 24} The evidence at trial included testimony of King's co-worker, Coates, who was at the scene that day, his supervisor who communicated with King that day, and King's own statements provided on the scene and to police in a subsequent interview. King acknowledged E.K.'s ISP and that he was sitting in the front seat. He stated that he heard E.K. struggling and saw E.K.'s legs go over the seat in front of him before E.K. fell silent. King told police that he knew the victim was a danger to himself, and he knew he

would try to get out of his harness, and after listening to E.K. struggle and kick out over the seat, he assumed E.K. gave up and was "just chill."

{¶ 25} Coates testified that, upon returning to the van, she noticed King engrossed with his phone and not paying attention to E.K.. After Coates discovered E.K.'s face was purple and that E.K. was not breathing, she testified King called the supervisor, and aside from handing her the seatbelt cutter to free E.K. from his harness, King provided no assistance but stayed on his phone, eventually calling 911.

{¶ 26} The evidence demonstrated that E.K. required close and constant supervision, with the evidence demonstrating that King was paying no attention to E.K. at the time Coates returned to the van, and King himself acknowledged he heard E.K.'s struggles and did nothing. King also acknowledged that he understood that E.K. was a danger to himself and unable to verbally communicate, and after his struggles in the harness, E.K. died of asphyxiation. Based on this record, the State's evidence was sufficient to establish that King acted recklessly in creating "a substantial risk to the health or safety of a person with a developmental disability" by failing to closely and constantly supervise E.K., a developmentally disabled patient in his care. Evidence that King disregarded the ISP and failed to supervise E.K. was sufficient to sustain the State's burden in a sufficiency challenge. *Bagley,* 2019-Ohio-3193 at ¶ 24 (2d Dist.) (caregiver's conduct leaving developmentally disabled patients alone and unattended in the group home, contrary to the patients' ISPs, created a substantial risk to health and safety, sufficient to sustain verdict for patient endangerment). The evidence further demonstrated that King's violation of R.C. 2903.341(B) resulted in the death of E.K.

{¶ 27} Considering the record, therefore, we find King's first assignment of error challenging the sufficiency of the evidence not well-taken.

B. Manifest Weight

{¶ 28} In his second assignment of error, King argues his conviction is against the manifest weight of the evidence. In support, King reiterates argument regarding a lack of overt action to harm E.K., and that his inaction rose only to the level of negligence. The Ohio Supreme Court recently clarified the standard for manifest-weight review in *State v. Reillo,* 2026-Ohio-2701, and we apply these clarifications in our review. *See State v. Gaston,* 2026-Ohio-3271, ¶ 31 (6th Dist.).

{¶ 29} A challenge based on manifest weight is like a sufficiency challenge, in that, "both challenge the strength of the evidence." *Reillo* at ¶ 24, quoting *State v. Jordan,* 2023-Ohio-3800, ¶ 15 (additional citation omitted.). However, a sufficiency challenge attacks the adequacy of the State's case, while a manifest weight challenge "looks to whether the State met its burden of persuasion." *Id.*, quoting *State v. Messenger,* 2022-Ohio-4562, ¶ 26 (additional citations omitted.).

{¶ 30} Applying manifest-weight review, a court "weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the 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." *Reillo* at ¶ 26, quoting *State v. Brown,* 2025-Ohio-2804, ¶ 30, quoting *Thompkins,* 78 Ohio St.3d at 387.

{¶ 31} Here, King identifies no conflicts in the evidence and acknowledges that the facts and circumstances are "basically undisputed." King argues that alternative causes of E.K.'s death, such as the conduct of others or King's lack of training, merited an acquittal after weighing all the evidence. "But '[i]n weighing the evidence, the court of appeals must always be mindful of the presumption in favor of the finder of fact." *Reillo* at ¶ 28, quoting *Eastley v. Volkman,* 2012-Ohio-2179, ¶ 21. While the court of appeals sits as a "thirteenth juror" and may disagree with the jury's resolution of *conflicting* evidence, we may vacate a verdict "only in the exceptional case in which the evidence weighs heavily against the conviction." *Reillo* at ¶ 27, quoting *Brown,* 2025-Ohio-2804 at ¶ 31 (additional citation omitted.).

{¶ 32} King also does not point to inconsistencies in the evidence concerning material facts. While the jury is in the best position to resolve or discount inconsistencies, "there may be circumstances in which an appellate court, while according proper deference to the fact-finder, must nonetheless conclude that the fact-finder clearly lost its way. … [S]uch a case could be one in which internally contradictory testimony as to material facts, direct impeachment, or fantastical testimony clearly undermines a witness's credibility on a cold record." *Reillo* at ¶ 31. King references none of these factors relative to credibility.

{¶ 33} Considering the record, therefore, we find no conflicts or inconsistencies in the evidence that demonstrate the exceptional case in which the evidence weighs heavily against conviction. King's second assignment of error, accordingly, is not well-taken.

V. Conclusion

{¶ 34} Having found substantial justice has been done, we affirm the judgment of the Lucas County Court of Common Pleas. King is ordered to pay the costs of this 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. _____
JUDGE

Gene A. Zmuda, J. _____
JUDGE

Myron C. Duhart, J. _____
CONCUR.
JUDGE

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/.