

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO.	C-250537
	:	TRIAL NO.	B-2401481-B
Plaintiff-Appellee,	:		
vs.	:		
	:		<i>JUDGMENT ENTRY</i>
WILLIAM TURNAGE,	:		
	:		
Defendant-Appellant.	:		

**MOORE, Judge.**

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

In July 2025, defendant-appellant William Turnage pled guilty to charges of endangering children and involuntary manslaughter. He now appeals, raising a single assignment of error arguing that the offenses should have merged for sentencing purposes as allied offenses of similar import.

The State read the following facts into the record at the plea hearing:

Count 3 [endangering children] occurred on or about February 6th, 2024, Hamilton County, Ohio. The defendant, William Turnage, recklessly abused J.M., a child under 18 years of age, or a mentally or handicapped child under 21 years of age. And the violation resulted in serious physical harm to J.M.

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Count 4 [involuntary manslaughter] also occurred on or about February 6th, 2024, Hamilton County, Ohio. The defendant, William Turnage, caused the death of J.M. as a proximate result of William Turnage committing or attempting to commit a misdemeanor offense of any degree, to wit: Failure to report a crime or knowledge of a death or a burn injury, a violation of Section 2321.22 of the Ohio Revised Code, which is a fourth degree misdemeanor.

Essentially J.M. at the time was a 16-year-old boy who had pretty severe autism, developmentally disabled, actually non-verbal, could not care for himself. J.M. was the adopted son of [Ms. Moore,] the codefendant in this case.

At the time, Mr. Turnage and Ms. Moore were engaged in some sort of a romantic relationship, depending on when you talked to them. Sometimes they were engaged; sometimes they were on the outs. But Mr. Turnage was living in the home with Ms. Moore and J.M. And essentially J.M. was left in a cot in a utility room in the basement where he ultimately starved to death.

And I guess I should add as to the failing to report the crime, J.M. had been deceased six to eight hours before anyone called 911.

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Turnage agreed to the facts as read. Following the plea colloquy, the court accepted his guilty pleas and set the matter out for sentencing.

The State argued against merger of the offenses at the sentencing hearing. The State emphasized the fact that the predicate offense for the involuntary-manslaughter charge was failure to report a crime or knowledge of a death rather than the endangering-children offense of which Turnage was also convicted. Defense counsel argued that the offenses should merge. Ultimately, the trial court imposed consecutive sentences for the two offenses. We review the trial court's merger determination de novo. *State v. Williams*, 2012-Ohio-5699, ¶ 28.

Double-jeopardy protections in both the United States and Ohio Constitutions provide that a criminal defendant cannot be subjected to multiple prosecutions or punishments for the same offense. *State v. Pendleton*, 2020-Ohio-6833, ¶ 8; see Ohio Const., art. I, § 10; U.S. Const., amend. V; see also R.C. 2941.25. The current iteration of the allied-offenses test set forth in *State v. Ruff*, 2015-Ohio-995, requires examination of three things—import, conduct, and animus. *Id.* at paragraph one of the syllabus. Specifically, a defendant charged with multiple offenses may be convicted of all of them if any one of the following is true (1) the offenses are of dissimilar import or significance, (2) the offenses were committed separately, or (3) the offenses were committed with separate animus or motivation. *Id.* at paragraph three of the syllabus.

R.C. 2919.22(B)(1) criminalizes the offense of endangering children and provides in pertinent part that no person shall abuse a child under the age of 18. R.C. 2903.04(B) proscribes the offense of involuntary manslaughter and provides in pertinent part that no person shall cause the death of another as a proximate result of the person committing a misdemeanor offense. The indictment and bill of particulars specified that the offense underlying the involuntary-manslaughter charge was failure

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to report a crime or a death under R.C. 2921.22, a misdemeanor of the fourth degree. Applying the facts to these offenses, it is clear that the trial court properly denied merger as they do not qualify as allied offenses of similar import. *See Ruff* at ¶ 26 (the allied-offenses analysis is fact-specific).

At the sentencing hearing, the State relayed how Turnage claimed in his statement to pretrial services that he had no knowledge of J.M.'s circumstances. The State expanded upon the facts underlying the charges as follows:

That is how officers found him when they arrived in that room, essentially a utility closet in the basement, on a cot, in nothing but a T-shirt and an absolutely disgusting Pull-Up diaper.

[Turnage] can't say that he didn't know what was happening when you see the pictures of how JJ appeared when law enforcement found him. The room was approximately 56 degrees when law enforcement arrived. There were restraints strapped to the side of the bed.

There were marks on his wrists indicative of him being restrained at a certain point. There was a dog collar found under the bed; again, restraint marks found during autopsy on his neck that would correspond to him being tied to that bed. The door locked from the outside.

...

There was no room for him to get up even if he wanted to. . . . [T]he autopsy revealed there was not a

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trace of food in any part of his digestive tract; not his stomach, not his intestines, none of it.

...

But in any event, [Turnage] knew that there was a little boy in that house and that he needed care. And basically when the grandmother died, JJ stopped getting the care that he needed and that he deserved.

Regarding the first *Ruff* element, offenses are deemed of dissimilar import when they involve separate victims or when the harm resulting from each is “separate and identifiable.” *Ruff*, 2015-Ohio-995, at paragraph two of the syllabus. While Turnage’s two offenses involve the same victim, the harm resulting from each is indeed separate and identifiable. Regarding the child-endangering offense, the record supports that Turnage’s conviction was based upon the reckless physical abuse of J.M., which resulted in serious physical harm to the teen in the form of external injuries, emaciation, and starvation. *See State v. Washington*, 2013-Ohio-4982, syllabus (“When deciding whether to merge multiple offenses at sentencing pursuant to R.C. 2941.25, a court must review the entire record, including arguments and information presented at the sentencing hearing[.]”).

Conversely, regarding the involuntary-manslaughter offense, the record supports that Turnage caused J.M.’s death as a proximate result of failing to report a crime or knowledge of a death. The facts provided by the State and Turnage’s own statements at sentencing indicate that Turnage resided in the home but disclaimed responsibility for feeding or caring for J.M. *See id.* The teen’s emaciated state demonstrated that his basic needs were not being met, which in turn supported the commission of a criminal offense and ultimately resulted in J.M.’s death. As a resident

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of the home, Turnage failed to report said criminal offense. J.M.'s death represented a separate harm distinct from the physical injuries and emaciation attendant to the endangering-children offense.

Not only were the offenses in the case sub judice of dissimilar import, but the record supports that they were committed separately and with separate animi. However, we need not analyze the latter two *Ruff* elements in depth as an affirmative answer on one will bar merger. *Ruff* at ¶ 31.

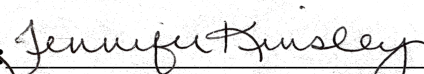
Because Turnage's convictions for endangering children and involuntary manslaughter involved offenses of dissimilar import, the trial court did not err in failing to merge them. Turnage's sole assignment of error is overruled, and the judgment of the trial court is affirmed.

The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

**CROUSE, P.J.**, and **NESTOR, J.**, concur.

**To the clerk:**

**Enter upon the journal of the court on 3/27/2026 per order of the court.**

By:   
Administrative Judge