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

STATE OF OHIO,	:	APPEAL NO. C-240075 TRIAL NO. B-2200636-A
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY*
AMY RODRIGUEZ,	:	
Defendant-Appellant.	:	

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 10/14/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer A. Hensley
Administrative Judge

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STATE OF OHIO,	:	APPEAL NO. C-240075 TRIAL NO. B-2200636-A
Plaintiff-Appellee,	:	
vs.	:	*O P I N I O N*
AMY RODRIGUEZ,	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: October 14, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Scott Heenan,* Chief Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Arenstein & Gallagher and *Elizabeth Conkin*, for Defendant-Appellant.

CROUSE, Presiding Judge.

{¶1} This case returns to us on remand from the Ohio Supreme Court for consideration of defendant-appellant Amy Rodriguez's argument that her trial counsel rendered ineffective assistance when they failed to object to jury instructions and/or verdict forms that did not include language identifying the conduct that was the subject of each count with which Rodriguez was charged. We had previously deemed this argument moot in our opinion in *State v. Rodriguez*, 2025-Ohio-53 (1st Dist.) ("*Rodriguez I*").

{¶2} Following our review of the record, and on the authority of the Ohio Supreme Court's decision in *State v. Rodriguez*, 2026-Ohio-2573 ("*Rodriguez II*"), we hold that the jury instructions and verdict forms provided by the trial court were sufficient, and that Rodriguez's counsel were not ineffective for failing to object to these documents. For the reasons set forth below, we affirm the trial court's judgment.

I. Factual and Procedural Background

{¶3} Rodriguez was charged with 11 nearly identical counts of endangering children in violation of R.C. 2919.22(B)(2). The victim of each offense was her stepson C.D. The State provided Rodriguez with a bill of particulars setting forth 11 specific acts of torture or abuse that she allegedly committed against C.D., and during a jury trial the State presented evidence of these 11 different acts. During deliberations, the jury twice asked the trial court for guidance as to which act committed by Rodriguez corresponded to each count. The trial court instructed the jury to refer to the jury instructions and the testimony and evidence that was presented.

{¶4} Rodriguez was convicted of four counts and acquitted of seven. She appealed her convictions to this court, arguing that the trial court committed plain error when it failed to provide the jury with either jury instructions or verdict forms

that specified which conduct was the basis of each count, and that her trial counsel was ineffective for failing to object to the instructions and/or verdict forms.

{¶5} In *Rodriguez I*, 2025-Ohio-53, at ¶ 47-51 (1st Dist.), we held that the jury instructions and verdict forms left the jury unable to differentiate between the charges, and that the trial court committed plain error by failing to specify in the documents which act allegedly committed by Rodriguez corresponded to each count. We further held that the Double Jeopardy Clause barred retrial because it was impossible to determine which offenses the jury found that Rodriguez had committed and which resulted in acquittals. *Id.* at ¶ 73-74. We held that Rodriguez's argument regarding ineffective assistance was moot. *Id.* at ¶ 75.

{¶6} The Ohio Supreme Court reversed in *Rodriguez II*, holding that the jury instructions provided by the trial court for each offense mirrored the applicable statute and were sufficient, and that Ohio law did not require the factual context for each count to be provided in the jury instructions. *Rodriguez II*, 2026-Ohio-2573, at ¶ 37-38, 40. The court further held that the verdict forms were sufficient and that Ohio law did not require the forms "to contain each count's factual context or create[] special requirements for cases involving indictments containing multiple counts of the same offense." *Id.* at ¶ 41. It additionally held that "the State sufficiently distinguished between the counts to negate any due-process or double-jeopardy concerns," *id.* at ¶ 47, and it remanded for this court to consider the argument that we had previously deemed moot. *Id.* at ¶ 60.

{¶7} After the case was returned to this court, the parties filed supplemental briefs.

II. Jury Instructions and Verdict Forms

{¶8} In her second assignment of error, Rodriguez argues that her trial

counsel rendered ineffective assistance by failing to object to the jury instructions and verdict forms and for failing to propose alternate instructions containing language identifying which conduct was associated with each count.

{¶9} Counsel will not be considered ineffective unless her or his performance was deficient and caused actual prejudice to the defendant. *Strickland v. Washington*, 466 U.S. 668, 687 (1984); *State v. Bradley*, 42 Ohio St.3d 136, 141 (1989). Counsel's performance will only be deemed deficient if it fell below an objective standard of reasonableness. *Strickland* at 688; *Bradley* at 142. A defendant is only prejudiced by counsel's performance if there is a reasonable probability that the outcome of the proceeding would have been different but for the deficient performance. *Strickland* at 694; *Bradley* at 142.

{¶10} In *Rodriguez II,* 2026-Ohio-2573, at ¶ 37, 40-41, the Court held that both the jury instructions and verdict forms *issued in this case* were sufficient, and that it was not necessary for either the instructions or the verdict forms to include the factual context for each count. The Court plainly and unequivocally stated, "Nothing in Ohio law . . . created special requirements for cases involving indictments containing multiple counts of the same offense." *Id.* at ¶ 41.

{¶11} Because the jury instructions and verdict forms were sufficient, Rodriguez's trial counsel were not ineffective for failing to raise an objection to these documents or propose alternate instructions containing language identifying which conduct was associated with each count.

{¶12} We accordingly overrule Rodriguez's second assignment and affirm the trial court's judgment.

Judgment affirmed.

NESTOR and **MOORE, JJ.,** concur.