

COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, LUCAS COUNTY

State of Ohio v. Tyrone R. Johnson

2025-Ohio-5449 · No. Court of Appeals No. L-25-00017 · Decided December 5, 2025

SUMMARY

The Sixth District Court of Appeals of Ohio affirmed the denial of Tyrone R. Johnson’s motion challenging his criminal complaint, pretrial detention, and speedy-trial rights. The court held that the motion was an untimely successive petition for postconviction relief and that Johnson failed to satisfy the statutory exception permitting consideration of such a petition.

CASE DETAILS

COURT	Court of Appeals of Ohio, Sixth Appellate District, Lucas County
WRITING FOR THE COURT	Charles E. Sulek, Presiding Judge; Christine E. Mayle, Judge; Myron C. Duhart, Judge
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	December 5, 2025
DOCKET	Court of Appeals No. L-25-00017
DISPOSITION	affirmed
PROCEDURAL POSTURE	Johnson appealed pro se from the Lucas County Court of Common Pleas' denial of his motion, treated as an untimely and successive petition for postconviction relief.
STANDARD OF REVIEW	De novo review applies to whether a trial court has subject-matter jurisdiction to entertain an untimely, second, or successive postconviction petition.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Tyrone R. Johnson v. State of Ohio

TOPICS

- state post-conviction relief
- successive petitions
- post-conviction relief
- speedy trial
- fourth amendment

PRACTICE AREAS

- Ohio postconviction relief
- criminal procedure
- appellate procedure
- speedy trial
- Fourth Amendment

QUESTIONS PRESENTED

1. Whether Johnson's motion challenging the criminal complaint, pretrial detention, and speedy-trial rights was an untimely or successive petition for postconviction relief.
2. Whether Johnson satisfied the exception in R.C. 2953.23(A)(1) permitting consideration of an untimely postconviction petition.
3. Whether the trial court erred by summarily denying the petition without holding a hearing.

HOLDINGS

1. A post-direct-appeal motion seeking vacation or correction of a sentence on the basis of constitutional violations is a petition for postconviction relief under R.C. 2953.21.
2. A trial court lacks subject-matter jurisdiction to adjudicate an untimely or successive postconviction petition unless the petitioner satisfies the statutory exception in R.C. 2953.23.
3. A petitioner cannot invoke R.C. 2953.23(A)(1)(a) without showing that the relevant facts were undiscoverable despite due diligence or that a newly recognized retroactive right applies; facts known before trial do not satisfy that requirement.
4. The trial court did not err by summarily denying Johnson's untimely postconviction petition without a hearing because he failed to satisfy R.C. 2953.23's requirements.

KEY QUOTATIONS

“Where a criminal defendant, subsequent to his or her direct appeal, files a motion seeking vacation or correction of his or her sentence on the basis that his or her constitutional rights have been violated, such a motion is a petition for postconviction relief as defined in R.C. 2953.21.” (¶ 10)

“Accordingly, because Johnson filed an untimely postconviction petition, and because he failed to meet the requirements of R.C. 2953.23 for doing so, the trial court did not err when it summarily denied his petition without a hearing.” (¶ 15)

FACTUAL BACKGROUND

In 2007, a jury convicted Johnson of two murders and aggravated robbery, with firearm specifications. His later motion relied on testimony from a February 2007 suppression hearing and on facts concerning the alleged speedy-trial violation, all of which were known or available before trial. Johnson did not assert that he was unavoidably prevented from discovering those facts or identify a newly recognized retroactive right.

PROCEDURAL HISTORY

A jury convicted Johnson in 2007 of two counts of murder and one count of aggravated robbery, each with a firearm specification. His convictions were affirmed on direct appeal. In 2020, he filed a motion challenging the validity of the criminal complaint, his pretrial detention, and his speedy-trial rights. The trial court denied the motion in 2025 as an untimely postconviction petition, and the Sixth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Johnson, 2009-Ohio-45 (6th Dist.)
- State v. Reynolds, 79 Ohio St.3d 158 (1997)
- State v. Quinn, 2023-Ohio-1300, ¶¶ 15, 17 (6th Dist.)
- State v. Johnson, 2024-Ohio-134, ¶¶ 10-11
- State v. Apanovitch, 2018-Ohio-4744, ¶¶ 24, 36, 38
- State v. Hatton, 2022-Ohio-3991, ¶ 38

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