

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

State v. Johnson

2026-Ohio-757 · No. C.A. No. 30506 · Decided March 6, 2026

SUMMARY

The Ohio Second District Court of Appeals held that R.C. 2945.481 does not violate confrontation rights on its face, but the trial court erred by ordering child victims to testify outside the defendant's physical presence without making case-specific findings of necessity. The court found the confrontation error was not harmless beyond a reasonable doubt and remanded for a new trial on two aggravated-menacing counts and one domestic-violence count. The judgment was reversed in part and vacated in part.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Mary K. Huffman; Lewis, P.J.; Tucker, J.
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	March 6, 2026
DOCKET	C.A. No. 30506
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Johnson appealed his municipal-court convictions after a bench trial, challenging the use of remote testimony by two child witnesses on confrontation grounds and challenging the sufficiency of the evidence supporting his aggravated-menacing conviction involving K.J.
STANDARD OF REVIEW	Preserved Confrontation Clause claims are reviewed for harmless error beyond a reasonable doubt. A Crim.R. 29 ruling is reviewed de novo under the sufficiency-of-the-evidence standard, asking whether any rational factfinder could have found the essential elements proven beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Chadwick Johnson v. State of Ohio

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QUESTIONS PRESENTED

1. Whether the trial court violated Johnson's confrontation rights by allowing the child witnesses to testify outside his physical presence without making case-specific findings under R.C. 2945.481(E) and *Maryland v. Craig*.
2. Whether the confrontation error was harmless beyond a reasonable doubt as to the convictions involving Jane Doe and John Doe.
3. Whether sufficient evidence supported Johnson's conviction for aggravated menacing involving K.J., including evidence that K.J. subjectively believed Johnson would cause serious physical harm to her or the children.

HOLDINGS

1. R.C. 2945.481(C)(1)(a) does not make remote testimony automatically mandatory without further judicial analysis. Before ordering testimony outside the courtroom under the statute, the trial court must comply with R.C. 2945.481(E) and make case-specific findings that the child is unavailable to testify in the defendant's physical presence for a statutory reason; this requirement also follows from *Maryland v. Craig*.
2. The confrontation violation was not harmless beyond a reasonable doubt as to the aggravated-menacing convictions involving Jane Doe and John Doe and the domestic-violence conviction involving Jane Doe. Those convictions had to be reversed and a new trial ordered.
3. The evidence was insufficient to support Johnson's aggravated-menacing conviction involving K.J. because the State failed to establish that K.J. subjectively believed Johnson would cause serious physical harm to her or the children.

KEY QUOTATIONS

"Before invoking this procedure, however, a court "must 'hear evidence' and make a 'case-specific' finding of [t]he requisite . . . necessity.'" (¶ 18)

*"Based upon the foregoing, R.C. 2945.481, by its plain language, does not run afoul of the right to confrontation in the Ohio or U.S. Constitution, but the trial court's interpretation of the statute did so in that it failed to comply with the statute's plain language and with *Craig*."* (¶ 22)

"Under these circumstances, K.J.'s testimony negates the elements of aggravated menacing." (¶ 53)

FACTUAL BACKGROUND

Johnson became angry during a December 15, 2024 visitation with his two children after their mother, K.J., called them. The children testified that Johnson yelled, used profanity, drove erratically, and made statements that they understood as threats to kill or harm them; one child recorded portions of the incident. At the police station, Johnson acknowledged making statements that he could kill or harm the children but characterized them as poor choices of words and denied intending to harm them.

PROCEDURAL HISTORY

Johnson was charged with three counts each of domestic violence threats and aggravated menacing. The municipal court permitted the two child victims to testify outside Johnson's physical presence based solely on its interpretation of R.C. 2945.481(C)(1)(a), convicted Johnson of three counts of aggravated menacing and one count of domestic violence threats, and denied his Crim.R. 29 motions. The appellate court held that the remote-testimony procedure violated the Confrontation Clause because the trial court made no case-specific findings of necessity, found the error prejudicial as to the charges involving the children, and found insufficient evidence as to the aggravated-menacing charge involving K.J.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The convictions for aggravated menacing involving Jane Doe and John Doe and domestic violence threats involving Jane Doe are reversed, and the matter is remanded for a new trial on those charges. The aggravated-menacing conviction involving K.J. is vacated.

CASES CITED

- Maryland v. Craig, 497 U.S. 836 (1990)
- Coy v. Iowa, 487 U.S. 1012 (1988)
- State v. Carter, 2024-Ohio-1247
- State v. Wallace, 2024-Ohio-4955 (12th Dist.)
- State v. Collins, 2011-Ohio-6365 (7th Dist.)
- State v. Knauff, 2011-Ohio-2725 (4th Dist.)
- State v. Saunders, 2024-Ohio-2224 (3d Dist.)
- State v. Pflug, 2007-Ohio-2037 (6th Dist.)
- State v. Self, 56 Ohio St.3d 73, 79, 564 N.E.2d 446 (1990)
- State v. Madison, 64 Ohio St.2d 322, 330 (1980)
- State v. Bansobeza, 2025-Ohio-2704, ¶ 39 (2d Dist.)
- State v. Hartman, 2016-Ohio-2883, ¶ 83 (2d Dist.)
- State v. Edwards, 2013-Ohio-1290, ¶¶ 27, 40 (11th Dist.)
- State v. Conway, 2006-Ohio-791, ¶ 78

- State v. Miller, 2020-Ohio-3854, ¶ 42
- State v. May, 2011-Ohio-6637, ¶ 53 (7th Dist.)
- State v. Goings, 2025-Ohio-485, ¶¶ 31-32 (2d Dist.)
- State v. Quarles, 2015-Ohio-3050, ¶¶ 34, 36 (2d Dist.)
- State v. Renner, 2013-Ohio-5463, ¶ 30
- State v. Irwin, 2015-Ohio-195, ¶ 21
- State v. Roseberry, 2011-Ohio-5921, ¶ 75 (8th Dist.)
- State v. Flucas, 2018-Ohio-3340, ¶¶ 14-15 (12th Dist.)
- State v. Maranda, 94 Ohio St. 364, syllabus (1916)
- State v. Morgan, 2014-Ohio-250, ¶ 16 (12th Dist.)
- State v. Gray, 2012-Ohio-4769, ¶ 27 (12th Dist.)
- State v. Sturgill, 2004-Ohio-6481, ¶¶ 9-10 (12th Dist.)
- State v. Kennard, 2022-Ohio-2055, ¶¶ 17-18 (2d Dist.)
- State v. Wilson, 2009-Ohio-525, ¶ 10
- State v. Thompsons, 78 Ohio St.3d 380 (1997)
- State v. Dennis, 79 Ohio St.3d 421, 430 (1997)
- State v. Sparks, 2011-Ohio-3868, ¶ 32 (2d Dist.)
- State v. Turner, 2002 WL 10491, *4 (2d Dist. Jan. 4, 2002)
- State v. Thomas, 2024-Ohio-5662, ¶ 20 (10th Dist.)
- State v. Gardner, 2017-Ohio-7241, ¶ 21 (8th Dist.)
- State v. Perkins, 2006-Ohio-3678, ¶ 14 (8th Dist.)