

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, COUNTY
OF CUYAHOGA

Cleveland v. Hall

2026-Ohio-123 · No. 115143 · Decided January 15, 2026

SUMMARY

The Eighth District Court of Appeals of Ohio reversed a Cleveland Municipal Court order placing Shardh M. Hall, who was charged with assault, into a pretrial diversion program over the City prosecutor’s objection. The court held that the order was a final, appealable order and that placing Hall in the program without prosecutorial consent violated the separation-of-powers doctrine. The case was remanded for further proceedings.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, County of Cuyahoga
WRITING FOR THE COURT	Eileen T. Gallagher, P.J.; Kathleen Ann Keough, J.; Eileen A. Gallagher, J.
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	January 15, 2026
DOCKET	115143
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The City of Cleveland appealed a Cleveland Municipal Court order placing Hall in a selective intervention, or pretrial diversion, program over the prosecutor's objection.
STANDARD OF REVIEW	The appellate court reviewed whether the order was final and appealable under R.C. 2505.02 and reviewed the legal separation-of-powers issue de novo.
PRECEDENTIAL VALUE	Published opinion
PARTIES	City of Cleveland v. Shardh M. Hall

TOPICS

- separation of powers
- appellate jurisdiction
- final judgment rule
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal procedure

appellate procedure

constitutional law

municipal law

QUESTIONS PRESENTED

1. Whether the municipal court's order placing Hall in a statutory pretrial diversion program was a final, appealable order.
2. Whether the municipal court violated the separation-of-powers doctrine by placing Hall in the diversion program without the prosecutor's affirmative consent.

HOLDINGS

1. An order placing a defendant in a pretrial diversion program created by statute is a final, appealable order when the program is a special proceeding, the order affects the State's substantial right to prosecute, and immediate appellate review is necessary to protect that right.
2. A municipal court may not refer or place a defendant in a pretrial diversion program over the prosecutor's objection; affirmative prosecutorial consent is required.

KEY QUOTATIONS

“And because the program requires cooperation, not usurpation, between the branches of government, we found that a referral to the pretrial diversion program, which could result in the dismissal of the charges, “can be entered only with the affirmative consent of the prosecution.”” (II.B)

“Therefore, the trial court violated the separation-of-powers doctrine when it placed Hall in a pretrial diversion program over the prosecutor’s objection.” (II.B)

FACTUAL BACKGROUND

Hall was charged with assault after allegedly approaching her partner's boss with a crowbar, grabbing her by the throat, and causing visible lacerations. Shortly after arraignment, defense counsel sought placement in the Cleveland Municipal Court's selective intervention diversion program. The City objected because the charged offense was violent, and the trial court nevertheless placed Hall in the program despite the prosecutor's objection and the probation department's recommendation against placement.

PROCEDURAL HISTORY

Hall was charged in Cleveland Municipal Court with first-degree-misdemeanor assault, an offense of violence. After arraignment, the trial court referred her to a diversion program despite the City's objection and the probation department's recommendation against placement. The trial court stayed its order pending appeal, and the City appealed to the Eighth District.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Cleveland Municipal Court for further proceedings, with a special mandate directing that court to carry the judgment into execution.

CASES CITED

- Assn. of Cleveland Firefighters, # 93 v. Campbell, 2005-Ohio-1841, ¶ 6 (8th Dist.)
- Thomasson v. Thomasson, 2018-Ohio-2417, ¶ 11
- Cleveland v. McCruel, 2017-Ohio-182, ¶ 18
- State v. Coffman, 91 Ohio St.3d 125 (2001)
- State v. Casto, 2009-Ohio-791, ¶ 10 (12th Dist.)
- State v. Fisher, 1998 Ohio App. LEXIS 1811 (3d Dist. Apr. 21, 1998)
- Cleveland v. McCruel, 2017-Ohio-182, ¶ 21
- Cleveland v. Mosquito, 10 Ohio App.3d 239, 241 (8th Dist. 1983)
- State v. Curry, 134 Ohio App.3d 113, 118 (9th Dist. 1999)
- Ontario v. Shoenfelt, 1985 Ohio App. LEXIS 6795 (5th Dist. July 30, 1985)