

COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT,
TRUMBULL COUNTY

State v. Brown

2025-Ohio-5716 · No. 2025-T-0010 · Decided December 22, 2025

SUMMARY

The Eleventh District Court of Appeals of Ohio affirmed Tyree Rashad Brown’s convictions for aggravated murder, aggravated burglary, and having weapons while under disability, along with firearm specifications. The court rejected challenges based on the manifest weight of the evidence and ineffective assistance of counsel, including claims concerning bifurcation, discovery, and allegedly prejudicial evidence. The opinion also addresses the trial court’s handling of testimony concerning a co-defendant’s guilty plea.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eleventh Appellate District, Trumbull County
WRITING FOR THE COURT	Eugene A. Lucci; Matt Lynch; John J. Eklund
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Trumbull County
DECIDED	December 22, 2025
DOCKET	2025-T-0010
DISPOSITION	affirmed
PROCEDURAL POSTURE	Brown appealed his jury convictions and sentence from the Trumbull County Court of Common Pleas, challenging the manifest weight of the evidence, the effectiveness of trial counsel, and the denial of a mistrial after testimony referenced the codefendant's guilty plea.
STANDARD OF REVIEW	A manifest-weight challenge requires the appellate court to review the entire record, weigh the evidence and reasonable inferences, assess witness credibility, and determine whether the factfinder clearly lost its way and created a manifest miscarriage of justice; reversal is reserved for the exceptional case. Ineffective-assistance claims are reviewed under the deficient-performance and prejudice requirements of Strickland. The grant or denial of a mistrial is reviewed for abuse of discretion, and a mistrial is required only when the ends of justice so require and a fair trial is no longer possible.

PRECEDENTIAL VALUE	published
PARTIES	Tyree Rashad Brown v. State of Ohio

TOPICS

criminal procedure evidence standard of review ineffective assistance appellate procedure

PRACTICE AREAS

criminal law criminal procedure appellate practice

QUESTIONS PRESENTED

1. Whether Brown's aggravated-murder, aggravated-burglary, and weapons-under-disability convictions were against the manifest weight of the evidence.
2. Whether trial counsel was ineffective for failing to seek bifurcation of the weapons-under-disability count, failing to request additional discovery, failing to object to allegedly prejudicial testimony, and making other challenged trial decisions.
3. Whether the trial court erred by denying a mistrial after the prosecutor elicited testimony that Brown's codefendant had pleaded guilty.

HOLDINGS

1. The convictions were not against the manifest weight of the evidence because the jury reasonably could credit the eyewitness and child-identification testimony, DNA and glove evidence, surveillance evidence, physical evidence, and jailhouse testimony, and the evidence did not show that the jury clearly lost its way.
2. Brown failed to establish ineffective assistance because counsel's challenged decisions were reasonable trial strategy or caused no reasonable probability of a different result.
3. The trial court did not abuse its discretion in denying a mistrial because it sustained the objections and gave curative instructions that were sufficient to remove the codefendant's plea information from the jury's consideration, and the testimony did not prejudice Brown's defense.

KEY QUOTATIONS

“The discretionary power to grant a new trial should be exercised only in the exceptional case in which the evidence weighs heavily against the conviction.” (§ 26)

“Circumstantial evidence and direct evidence inherently possess the same probative value” (§ 29)

“To prevail on a claim of ineffective assistance of counsel, “a defendant must prove that counsel’s performance was deficient and that the defendant was prejudiced by counsel's deficient performance.”” (§ 47)

“The grant or denial of a mistrial lies within the sound discretion of the trial court.” (§ 73)

FACTUAL BACKGROUND

After a physical altercation between the victim, Kardell Lowery, and Brown's codefendant, two men entered the victim's apartment early in the morning, and the victim was fatally shot. A witness identified Brown as the unmasked intruder carrying a firearm, while a child identified Brown and the codefendant as the shooters. Investigators found glove fragments near the scene containing a mixture of Brown's DNA and the victim's DNA, and surveillance, clothing, footwear, and glove evidence circumstantially connected Brown to the incident. Brown's jailhouse statements also implicated him in discarding the gloves.

PROCEDURAL HISTORY

Brown was indicted on two aggravated-murder counts, two aggravated-burglary counts, and having weapons while under disability, with firearm specifications attached to the murder and burglary counts. Following a jury trial, he was convicted on all counts and specifications. The trial court merged certain counts for sentencing and imposed an aggregate sentence of life imprisonment with the possibility of parole after 36 years. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Thompkins, 1997-Ohio-52, ¶¶ 24-25
- State v. Martin, 20 Ohio App.3d 172, 175 (1st Dist. 1983)
- State v. Haney, 2013-Ohio-2823, ¶ 43 (11th Dist.)
- State v. DiBiase, 2012-Ohio-6125, ¶ 38
- State v. Pesece, 2007-Ohio-3846, ¶ 44 (11th Dist.)
- State v. McCrory, 2006-Ohio-6348, ¶ 40
- State v. Jenks, 61 Ohio St.3d 259 (1991), paragraph one of the syllabus
- State v. Windle, 2011-Ohio-4171, ¶ 34 (11th Dist.)
- State v. Nicely, 39 Ohio St.3d 147, 150 (1988)
- State v. Nevius, 147 Ohio St. 263, 274 (1947)
- State v. Davis, 2020-Ohio-309, ¶ 10
- State v. Bradley, 42 Ohio St.3d 136, 141-142 (1989)
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- State v. Aaron, 2003-Ohio-5159, ¶ 23
- State v. Phillips, 1995-Ohio-171, ¶ 40
- State v. Loza, 71 Ohio St.3d 61, 75 (1994)
- State v. Trimble, 2009-Ohio-2961, ¶ 173
- State v. Franklin, 62 Ohio St.3d 118, 127 (1991)

