

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

Highland Hills v. Safford

2026-Ohio-456 · No. 115179 · Decided February 12, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed Jerrell Safford’s minor-misdemeanor conviction for failure to maintain marked lanes. The court held that Safford was not entitled to appointed counsel, that venue was established by the trial evidence, and that the conviction was not against the manifest weight of the evidence.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Michael John Ryan; Lisa B. Forbes; Mary J. Boyle
JURISDICTION	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
DECIDED	February 12, 2026
DOCKET	115179
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed a minor-misdemeanor traffic conviction entered after a bench trial in Bedford Municipal Court.
STANDARD OF REVIEW	Unpreserved venue claims are reviewed for plain error. A manifest-weight challenge requires the appellate court to examine the entire record, weigh the evidence and reasonable inferences, consider witness credibility, and determine whether the factfinder clearly lost its way, with reversal reserved for the rare case involving a manifest miscarriage of justice.
PRECEDENTIAL VALUE	published
PARTIES	Jerrell Safford v. City of Highland Hills

TOPICS

- criminal procedure
- right to counsel
- appellate procedure
- standard of review
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred by proceeding to trial without advising Safford of a right to appointed counsel or ensuring that his waiver of counsel was knowing, voluntary, and intelligent.
2. Whether the city failed to prove venue and whether the unpreserved venue issue constituted plain error.
3. Whether Safford's conviction was against the manifest weight of the evidence.

HOLDINGS

1. A defendant charged with a minor misdemeanor that carries no possibility of jail time is not entitled to appointed counsel, and the trial court did not err by failing to advise Safford that he had a right to counsel.
2. Because Safford did not raise venue in the trial court, the appellate court reviewed the claim only for plain error. The record established venue through direct and circumstantial evidence, so there was no plain error.
3. Safford's conviction was not against the manifest weight of the evidence because the trial court did not clearly lose its way in finding that Safford attempted to merge into Olson's lane and caused the collision.

KEY QUOTATIONS

“a defendant waives all but plain error when the failure to demonstrate venue is not called to the attention of the trial court.” (¶ 21)

“so long as it is established by all the facts and circumstances that the crime was committed in the location alleged.” (¶ 24)

“Although venue is not a material element of any criminal offense, it is a fact that must be proved at trial beyond a reasonable doubt, unless it has been waived by the defendant.” (¶ 26)

FACTUAL BACKGROUND

Jerrell Safford was driving northbound in the right curb lane on Warrensville Center Road in Highland Hills while James Olson was driving in the adjacent middle lane. Safford claimed that he had completed a merge into Olson's lane before Olson accelerated and struck his vehicle, while Olson testified that he did not see Safford's vehicle until after the collision. The investigating detective testified that Safford said he was at fault and that his driver's-side mirror was hanging off the vehicle; body-camera and security-camera footage were admitted into evidence.

PROCEDURAL HISTORY

Safford was cited for failure to maintain marked lanes under Village of Highland Hills Codified Ordinance 331.08. After a bench trial, the Bedford Municipal Court found him guilty, imposed a \$150 fine with \$100 suspended, and assessed court costs. The trial court granted a stay pending appeal. The Eighth District affirmed and ordered a special mandate for execution of the sentence.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The Bedford Municipal Court was directed to execute the judgment and sentence through a special mandate. The opinion states that a certified copy of the entry constitutes the mandate under Ohio Appellate Rule 27.

CASES CITED

- Mentor v. Meyers, 2014-Ohio-2011, ¶ 17 (11th Dist.)
- Parma v. Gardner, 2025-Ohio-5517, ¶¶ 21, 23-24, 31 (8th Dist.)
- State v. Brock, 2019-Ohio-3195 (2d Dist.)
- State v. Rogers, 2015-Ohio-2459
- State v. Foreman, 2021-Ohio-3409, ¶ 13
- State v. Musarra, 2025-Ohio-5058, ¶ 17
- State v. Headley, 6 Ohio St.3d 475 (1983)
- State v. Gribble, 24 Ohio St.2d 85 (1970)
- State v. Smith, 2024-Ohio-5030, ¶ 2
- State v. Wright, 2019-Ohio-4460, ¶ 65 (8th Dist.)
- Toledo v. Taberner, 61 Ohio App.3d 791, 793 (6th Dist. June 9, 1989)
- State v. Wilks, 2018-Ohio-1562, ¶ 168
- State v. Thompkins, 78 Ohio St.3d 380, 387 (1997)
- State v. Whitsett, 2014-Ohio-4933, ¶ 26 (8th Dist.)
- State v. Nicholson, 2024-Ohio-604, ¶ 71
- State v. Jordan, 2023-Ohio-3800, ¶ 26