

OHIO COURT OF APPEALS, FIRST APPELLATE DISTRICT

State v. Lewis

2026-Ohio-1937 · No. C-250407 · Decided May 27, 2026

SUMMARY

The Ohio First District Court of Appeals reviewed Anthony Lewis's convictions arising from two vehicle collisions and an OVI charge. The court held that the trial court properly found probable cause for the OVI arrest, rejected Lewis's prosecutorial-misconduct argument, and concluded that the OVI conviction was not against the manifest weight of the evidence. The court affirmed in part and dismissed the appeal in part because Lewis did not challenge one assured-clear-distance conviction.

CASE DETAILS

COURT	Ohio Court of Appeals, First Appellate District
WRITING FOR THE COURT	Zayas, J.; Kinsley, P.J.; Bock, J.
JURISDICTION	Ohio Court of Appeals, First Appellate District, Hamilton County
DECIDED	May 27, 2026
DOCKET	C-250407
DISPOSITION	other
PROCEDURAL POSTURE	Lewis appealed his convictions from the Hamilton County Municipal Court after a jury convicted him of operating a motor vehicle while intoxicated and a bench trial resulted in a conviction on one count of failing to maintain an assured clear distance. He challenged the denial of his motion to suppress, alleged prosecutorial misconduct during closing argument, and argued that the OVI conviction was against the manifest weight of the evidence.
STANDARD OF REVIEW	Suppression rulings present mixed questions of law and fact: the appellate court defers to supported factual findings but independently determines whether those facts satisfy the applicable legal standard. Probable cause to arrest for OVI is reviewed under the totality of the circumstances. Prosecutorial misconduct requires consideration of whether the conduct was improper and, if so, whether it prejudiced the defendant's substantial rights, viewed in the context of the entire trial. A manifest-weight challenge requires review of the entire record, the evidence and reasonable inferences, and witness credibility to

	determine whether the jury clearly lost its way and created a manifest miscarriage of justice.
PRECEDENTIAL VALUE	Published Ohio First District Court of Appeals opinion
PARTIES	Anthony Lewis v. State of Ohio

TOPICS

suppression of evidence probable cause prosecutorial misconduct criminal procedure appellate procedure

PRACTICE AREAS

Ohio criminal law OVI/DUI criminal procedure appellate procedure evidence

QUESTIONS PRESENTED

1. Whether the trial court erred in denying Lewis's motion to suppress because the partially administered HGN test was not conducted in substantial compliance with the NHTSA manual.
2. Whether the officer had probable cause to arrest Lewis for OVI based on the totality of the circumstances.
3. Whether the prosecutor committed misconduct and improperly shifted the burden of proof by commenting on the absence of medical records supporting Lewis's defense theory.
4. Whether Lewis's OVI conviction was against the manifest weight of the evidence.
5. Whether the appeal should be dismissed in part as to the unchallenged conviction for failing to maintain an assured clear distance.

HOLDINGS

1. Lewis waived his argument that the HGN test was not conducted in substantial compliance with the NHTSA manual because he did not raise that issue in the trial court.
2. Even if Lewis had preserved the HGN-compliance argument, it would fail because the officer did not obtain HGN test results, and the officer's observations during the attempted test were admissible as lay observations.
3. The trial court properly found probable cause to arrest Lewis for OVI under the totality of the circumstances.
4. The prosecutor's comments concerning the absence of medical records supporting Lewis's theory of defense were proper comments on the evidence and did not constitute prejudicial prosecutorial misconduct or shift the burden of proof.
5. The OVI conviction was supported by the manifest weight of the evidence.

KEY QUOTATIONS

“The standard for determining whether an officer had probable cause to arrest a suspect for OVI is whether the facts and circumstances within the police officer’s knowledge are sufficient to cause a reasonably prudent person to believe that the defendant was driving under the influence.” (¶ 30)

“While the prosecution cannot shift the burden of proof to the defendant during closing argument, it can comment on the defense’s failure to offer any evidence to support its theory of the case.” (¶ 47)

“When considering a challenge to the weight of the evidence, the court examines “the entire record, weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the jury clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered.”” (¶ 51)

FACTUAL BACKGROUND

Lewis collided with two vehicles in rapid succession. The responding officer observed heavy vehicle damage, an odor of alcohol, bloodshot eyes, mumbling and slurred speech, slowed motor skills, difficulty following instructions, and poor performance on nonstandardized counting and alphabet exercises. Lewis admitted consuming rum, and the officer found a more-than-half-empty bottle of rum in Lewis's vehicle; the officer arrested him for operating a vehicle under the influence of alcohol.

PROCEDURAL HISTORY

After two vehicle collisions, Lewis was charged with OVI and two counts of failing to maintain an assured clear distance. The municipal court denied his motion to suppress, the jury found him guilty of OVI, and the court found him guilty of one traffic charge and not guilty of the other. The First District overruled all three assignments of error concerning the OVI conviction, dismissed the appeal in part as to the unchallenged assured-clear-distance conviction, and affirmed the judgments in part.

DISPOSITION

other

REMAND INSTRUCTIONS

No substantive remand was ordered. The judgment entry directed that the opinion and judgment constitute the mandate and that the mandate be sent to the trial court for execution.

CASES CITED

- State v. Burnside, 2003-Ohio-5372, ¶ 8
- State v. Ruberg, 2013-Ohio-4144, ¶ 11 (1st Dist.)
- State v. Homan, 89 Ohio St.3d 421, 427 (2000)
- State v. Bishop, 2025-Ohio-4743, ¶ 21 (1st Dist.)
- City of Columbus v. Ridley, 2015-Ohio-4968, ¶ 28 (10th Dist.)
- State v. Barrett, 2011-4986, ¶ 13 (10th Dist.)

- State v. Wright, 2024-Ohio-1763, ¶ 15 (1st Dist.)
- State v. Duncan, 2024-Ohio-5290, ¶ 18 (1st Dist.)
- State v. Ricer, 2018-Ohio-426, ¶ 20 (5th Dist.)
- City of Zanesville v. Reaver, 2017-Ohio-4149, ¶ 20 (5th Dist.)
- State v. Smith, 14 Ohio St.3d 13, 14 (1984)
- State v. Keenan, 66 Ohio St.3d 402, 410 (1993)
- City of Akron v. Perkins, 2025-Ohio-5320, ¶ 20 (9th Dist.)
- State v. Knight, 2004-Ohio-1227, ¶ 6 (9th Dist.)
- State v. Martin, 2018-Ohio-1061, ¶¶ 24, 34, 40 (1st Dist.)
- State v. Collins, 89 Ohio St.3d 524, 527-528 (2000)
- State v. Martin, 20 Ohio App.3d 172 (1983), paragraph three of the syllabus
- State v. Higgins, 2025-Ohio-5118, ¶ 24 (1st Dist.)
- State v. Rice, 2017-Ohio-9114, ¶ 27 (1st Dist.)

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