

COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT

State v. Rhoades

2020 Ohio 2688 (Ohio Ct. App. 2020) · No. 19AP-93 · Decided April 28, 2020

SUMMARY

The Ohio Tenth District Court of Appeals affirmed Alonzo Rhoades's conviction for recklessly violating a domestic violence civil protection order. The court rejected challenges concerning joinder of two cases, judicial bias, sufficiency and manifest weight of the evidence, and exclusion of a grocery-store receipt. The court held that the evidence was sufficient to establish Rhoades knowingly came within the order's 500-foot restriction.

CASE DETAILS

COURT	Court of Appeals of Ohio, Tenth Appellate District
WRITING FOR THE COURT	Dorrian, J.; Brown, J.; Beatty Blunt, J.
JURISDICTION	Ohio
DECIDED	April 28, 2020
DOCKET	19AP-93
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed pro se from a municipal-court judgment entered after a jury convicted him of violating a domestic-violence civil protection order.
STANDARD OF REVIEW	Joinder is reviewed for abuse of discretion; because Rhoades did not object to joinder or move to sever, review was limited to plain error. Sufficiency of the evidence is reviewed to determine whether, viewing the evidence most favorably to the prosecution, any rational trier of fact could find the essential elements proven beyond a reasonable doubt. Manifest-weight review requires examination of the entire record and reversal only when the jury clearly lost its way and created a manifest miscarriage of justice. Review of suppression issues presents a mixed question of law and fact; factual findings supported by competent, credible evidence are accepted, while legal conclusions are reviewed independently.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Alonzo Rhoades v. State of Ohio

TOPICS

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QUESTIONS PRESENTED

1. Whether the municipal court plainly erred by joining two civil-protection-order violation charges for trial.
2. Whether the appellate court could review Rhoades's claim of judicial bias when he had not filed an affidavit of disqualification with the clerk of the Ohio Supreme Court.
3. Whether sufficient evidence supported Rhoades's conviction under R.C. 2919.27(A)(1).
4. Whether the conviction was against the manifest weight of the evidence.
5. Whether the grocery-store receipt was admissible under the business-record exception to the hearsay rule.
6. Whether an ineffective-assistance claim based on counsel's advice concerning Rhoades's decision not to testify could be decided on direct appeal.

HOLDINGS

1. The trial court did not plainly err by joining the two protection-order violation cases for trial because the evidence concerning each offense was simple and direct, and the jury demonstrated that it could distinguish between the separate incidents.
2. The court could not review Rhoades's judicial-bias claim on direct appeal because Ohio law provides that an affidavit of disqualification filed with the clerk of the Ohio Supreme Court is the exclusive means of asserting that a municipal-court judge is biased or prejudiced, and Rhoades had not filed one.
3. The evidence was legally sufficient to support Rhoades's conviction for recklessly violating the civil protection order.
4. The conviction was not against the manifest weight of the evidence.
5. The receipt was not shown to be admissible under the business-record exception because Rhoades did not establish that a custodian or other qualified witness could authenticate it; moreover, the court did not issue a final suppression ruling because Rhoades elected not to present the receipt or other defense evidence.
6. Rhoades's ineffective-assistance claim based on counsel's advice concerning whether he should testify could not be resolved on direct appeal because it depended on facts outside the appellate record.

KEY QUOTATIONS

“'[W]hen simple and direct evidence exists, an accused is not prejudiced by joinder regardless of the nonadmissibility of evidence of these crimes as 'other acts' under Evid.R. 404(B).” (¶ 18)

“Sufficiency of the evidence is a legal standard that tests whether the evidence introduced at trial is legally sufficient to support a verdict.” (¶ 25)

“While sufficiency of the evidence is a test of adequacy regarding whether the evidence is legally sufficient to support the verdict as a matter of law, the criminal manifest weight of the evidence standard addresses the evidence’s effect of inducing belief.” (¶ 29)

FACTUAL BACKGROUND

A civil protection order issued by consent prohibited Rhoades from coming within 500 feet of Jaide Reinhard or any place he knew or should know she was likely to be. On July 2, 2018, Jaide and her mother testified that they saw Rhoades in his car at a stop sign approximately 300 feet from Jaide’s residence, and an officer measured the distance between the relevant stop signs as 432 feet. The jury also heard evidence concerning a separate September 30, 2018 incident, but it could not reach a verdict on that charge. Rhoades sought to introduce a grocery-store receipt to establish an alibi, but he did not present a custodian or other qualified witness to authenticate it and ultimately presented no defense evidence.

PROCEDURAL HISTORY

The State charged Rhoades in two municipal-court cases with first-degree misdemeanor violations of a civil protection order. The municipal court consolidated the cases for trial. The jury convicted Rhoades in one case but could not reach a verdict in the other; the court declared a mistrial and dismissed that charge, then sentenced Rhoades to 180 days in jail, suspended the sentence, and placed him on two years of probation. The Tenth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Brinkley, 105 Ohio St. 3d 231, 2005-Ohio-1507, ¶ 28
- State v. Schaim, 65 Ohio St. 3d 51, 59 (1992)
- State v. Lott, 51 Ohio St. 3d 160, 163 (1990)
- State v. Morris, 10th Dist. No. 18AP-208, 2018-Ohio-5252, ¶¶ 34, 36-37
- State v. Griffin, 10th Dist. No. 10AP-902, 2011-Ohio-4250, ¶ 13
- State v. Barrie, 10th Dist. No. 15AP-848, 2016-Ohio-5640, ¶ 32
- State v. Wilson, 10th Dist. No. 10AP-251, 2011-Ohio-430, ¶ 23
- State v. McBride, 10th Dist. No. 10AP-585, 2011-Ohio-1490, ¶ 12
- State v. Wigle, 9th Dist. No. 25593, 2011-Ohio-6239, ¶ 24
- Columbus Checkcashers, Inc. v. Guttermaster, Inc., 10th Dist. No. 13AP-106, 2013-Ohio-5543, ¶ 33
- State v. Varouh, 9th Dist. No. 18CA011415, 2020-Ohio-528, ¶ 27
- State v. Hussein, 10th Dist. No. 15AP-1093, 2017-Ohio-5519, ¶ 9

- State v. Castile, 10th Dist. No. 13AP-10, 2014-Ohio-1918, ¶ 13
- State v. Cassell, 10th Dist. No. 08AP-1093, 2010-Ohio-1881, ¶¶ 36, 38
- State v. Thompkins, 78 Ohio St. 3d 380, 386-387 (1997)
- State v. Jenks, 61 Ohio St. 3d 259 (1991), paragraph two of the syllabus
- State v. Booker, 10th Dist. No. 15AP-42, 2015-Ohio-5118, ¶ 18
- State v. Kearns, 10th Dist. No. 15AP-244, 2016-Ohio-5941, ¶ 44
- State v. Kaseda, 11th Dist. No. 2012-L-002, 2012-Ohio-4652, ¶¶ 11-12
- State v. Mohamed, 10th Dist. No. 05AP-29, 2005-Ohio-4928, ¶ 12
- State v. Chandler, 10th Dist. No. 05AP-415, 2006-Ohio-2070, ¶ 9
- State v. Taylor, 10th Dist. No. 17AP-103, 2017-Ohio-8327, ¶ 37
- State v. Raver, 10th Dist. No. 02AP-604, 2003-Ohio-958, ¶ 21
- State v. Cattledge, 10th Dist. No. 10AP-105, 2010-Ohio-4953, ¶ 6
- Seasons Coal Co. v. Cleveland, 10 Ohio St. 3d 77, 80 (1984)
- State v. Martin, 20 Ohio App. 3d 172, 175 (1st Dist. 1983)
- State v. Castagnola, 145 Ohio St. 3d 1, 2015-Ohio-1565, ¶ 32
- State v. Burnside, 100 Ohio St. 3d 152, 2003-Ohio-5372, ¶ 8
- State v. Darazim, 10th Dist. No. 14AP-203, 2014-Ohio-5304, ¶ 36
- State v. Hood, 135 Ohio St. 3d 137, 2012-Ohio-6208, ¶ 39
- State v. Shaheen, 3d Dist. No. 5-97-03 (July 29, 1997)
- State v. Early, 2d Dist. No. CA 10827 (Dec. 30, 1988)
- Strickland v. Washington, 466 U.S. 668, 687, 694 (1984)
- State v. Bradley, 42 Ohio St. 3d 136, 141-142 (1989)
- State v. Jones, 10th Dist. No. 16AP-803, 2017-Ohio-5529, ¶ 11
- State v. Jackson, 107 Ohio St. 3d 300, 2006-Ohio-1, ¶ 138
- State v. Hughes, 10th Dist. No. 14AP-360, 2015-Ohio-151, ¶ 69
- State v. Davis, 10th Dist. No. 05AP-193, 2006-Ohio-5039, ¶ 19