

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

State v. Beard

2025-Ohio-5521 · No. No. 115019 · Decided December 11, 2025

SUMMARY

The Ohio Eighth District Court of Appeals affirmed David D. Beard Jr.'s convictions for failure to comply, having weapons while under disability, and two counts of aggravated menacing. The court held that sufficient evidence supported the substantial-risk enhancement for the failure-to-comply offense and that the convictions were not against the manifest weight of the evidence.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, County of Cuyahoga
WRITING FOR THE COURT	Michelle J. Sheehan, Presiding Judge; Lisa B. Forbes, Judge; Deena R. Calabrese, Judge
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	December 11, 2025
DOCKET	No. 115019
DISPOSITION	affirmed
PROCEDURAL POSTURE	David D. Beard, Jr. appealed his jury convictions for failure to comply with a police order, having weapons while under disability, and two counts of aggravated menacing. He challenged the sufficiency of the evidence supporting the felony enhancement to the failure-to-comply offense and argued that the felony enhancement and weapons-under-disability conviction were against the manifest weight of the evidence.
STANDARD OF REVIEW	For sufficiency, the court determined whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements proven beyond a reasonable doubt; the inquiry concerns the State's burden of production and is a question of law. For manifest weight, the court weighed the evidence and reasonable inferences, considered witness credibility, and asked whether the jury clearly lost its way and created a manifest miscarriage of justice.

PRECEDENTIAL VALUE

Published opinion

PARTIES

David D. Beard, Jr. v. State of Ohio

TOPICS

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QUESTIONS PRESENTED

1. Whether sufficient evidence supported the finding that Beard's operation of his vehicle while fleeing police caused a substantial risk of serious physical harm to persons or property, thereby elevating failure to comply to a third-degree felony.
2. Whether the felony-enhancement finding for failure to comply was against the manifest weight of the evidence.
3. Whether Beard's conviction for having weapons while under disability was against the manifest weight of the evidence because of inconsistencies and conflicts in the eyewitness testimony.

HOLDINGS

1. The evidence was sufficient to support the jury's finding that Beard's operation of the vehicle while fleeing police caused a substantial risk of serious physical harm to persons or property under R.C. 2921.331(C)(5)(a)(ii).
2. The felony-enhancement finding was not against the manifest weight of the evidence.
3. The conviction for having weapons while under disability was not against the manifest weight of the evidence.

KEY QUOTATIONS

“The determinative factor in reviewing this enhanced-felony provision “is the risk of harm – not that actual harm occurred.””

“The relevant inquiry is whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.”

“Nor does the presence of conflicting testimony render a verdict against the manifest weight of the evidence.”

FACTUAL BACKGROUND

After Beard offered two young women a ride from a gas station, they alleged that he drove them to a liquor store, locked one woman in the car, displayed and fired a gun while chasing them, and later pointed the gun at one of them outside her grandmother's home. Police later located Beard's vehicle in a parking lot, activated their

overhead lights, and ordered him to turn off the vehicle. Beard refused, drove quickly out of the parking space and parking lot without ensuring the path was clear or making a complete stop at a stop sign, and eluded the officers. At trial, the two women testified that Beard possessed the firearm, while body-camera footage and an officer's testimony supported the failure-to-comply felony enhancement.

PROCEDURAL HISTORY

Beard was charged in a 15-count indictment in the Cuyahoga County Court of Common Pleas. After the State's case-in-chief, the trial court granted Beard's Crim.R. 29(A) motion as to several counts and dismissed other counts or firearm specifications after concessions by the State. A jury convicted Beard of two counts of aggravated menacing, failure to comply, and having weapons while under disability; the trial court imposed an aggregate 21-month prison sentence. The Eighth District affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The case was remanded to the trial court for execution of sentence, and a special mandate was ordered to issue. Any bail pending appeal was terminated.

CASES CITED

- State v. Wilborn, 2024-Ohio-5003, ¶ 37 (8th Dist.)
- State v. Cottingham, ¶ 32 (8th Dist.)
- State v. Webb, 2025-Ohio-456, ¶ 9 (8th Dist.)
- State v. Jenks, 61 Ohio St.3d 259 (1991)
- State v. Jackson, 2025-Ohio-109, ¶ 25 (8th Dist.)
- State v. Thompkins, 78 Ohio St.3d 380, 386 (1997)
- State v. Radano, 2017-Ohio-1034, ¶ 35 (8th Dist.)
- State v. Cassano, 2012-Ohio-4047, ¶ 13 (8th Dist.)
- State v. Moore, 2023-Ohio-1904, ¶ 36 (5th Dist.)
- State v. Bason, 2005-Ohio-6492, ¶ 7 (8th Dist.)
- State v. Scott, 2013-Ohio-4599, ¶ 23 (8th Dist.)
- State v. Hughes-Davis, 2025-Ohio-3151, ¶ 24 (8th Dist.)
- Eastley v. Volkman, 2012-Ohio-2179, ¶ 12
- In re Z.C., 2023-Ohio-4703, ¶ 14
- Parma Hts. v. Brett, 2025-Ohio-4, ¶ 21
- State v. Martin, 20 Ohio App.3d 172, 175 (1st Dist. 1983)
- State v. Rentas, 2024-Ohio-732, ¶ 16 (8th Dist.)
- State v. Solomon, 2021-Ohio-940, ¶ 62 (8th Dist.)

- State v. Pace, 2025-Ohio-2874, ¶ 62 (10th Dist.)
- State v. Cowen, 2012-Ohio-3682, ¶ 54 (8th Dist.)
- State v. Smith, 2010-Ohio-4006, ¶ 16 (8th Dist.)

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