

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

Cleveland v. Renger

2025-Ohio-5353 · No. 115254 · Decided November 26, 2025

SUMMARY

The Eighth District Court of Appeals reversed the Cleveland Municipal Court’s denial of the City of Cleveland’s motion for leave to dismiss a housing-code prosecution. The court held that the City established good cause under Crim.R. 48(A) and R.C. 2941.33 because it could not prove that the defendant had been properly served with the notice of violation. The case was remanded with instructions to dismiss the matter.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Kathleen Ann Keough; Lisa B. Forbes; Sean C. Gallagher
JURISDICTION	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
DECIDED	November 26, 2025
DOCKET	115254
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The City of Cleveland appealed the Cleveland Municipal Court Housing Division's denial of its motion for leave to dismiss a criminal housing-ordinance prosecution under Crim.R. 48(A). The appellee conceded the assignments of error.
STANDARD OF REVIEW	When an appellee concedes a dispositive error, the appellate court independently reviews the record to determine whether the concession accurately reflects settled law. The court reviewed the trial court's denial of leave to dismiss under Crim.R. 48(A) for compliance with the limited judicial discretion governing prosecutorial dismissals.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	City of Cleveland v. Mei Renger

TOPICS

- appellate procedure
- criminal procedure
- statutory interpretation
- municipal law

PRACTICE AREAS

criminal procedure

municipal law

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether the appeal presented a final appealable order.
2. Whether the applicable version of Cleveland Codified Ordinances 3103.09(e) governed service of the housing-violation notice.
3. Whether the City's inability to prove an essential notice-and-service element, or its decision not to expend departmental resources prosecuting under an ambiguous ordinance, constituted good cause for dismissal under Crim.R. 48(A) and R.C. 2941.33.

HOLDINGS

1. The trial court's denial of the City's motion to dismiss was a final appealable order.
2. The City's representation that it could not prove that Renger was properly served with the notice, together with its stated decision not to prosecute under an ambiguous ordinance, constituted good cause supporting dismissal under Crim.R. 48(A) and R.C. 2941.33.
3. The version of Cleveland Codified Ordinances 3103.09(e)(3) effective September 26, 2022, governed service of the notice issued in this case; although the City relied on a prior version, its dismissal arguments remained meritorious.

KEY QUOTATIONS

“We thus find that the City’s representation that it could not prove an element of the offense — or even if it did, it did not want to use departmental resources to undertake a prosecution under an ambiguous statute — satisfies the “good cause” underpinnings behind Crim.R. 48(A) and R.C. 2941.33.” (opinion text)

“The court thus has a limited ability to second-guess the government’s decisions on whether and what to prosecute.” (opinion text)

FACTUAL BACKGROUND

In March 2023, Renger received a notice of housing-code violations concerning porch flooring, porch lattice, and exterior steps at her Cleveland property. The City mailed the notice to two Cleveland addresses, although its records contained Renger's mailing address in Los Angeles, California. After filing a 20-count complaint, the City determined that it could not prove the notice had been properly served and moved for leave to dismiss under Crim.R. 48(A).

PROCEDURAL HISTORY

The City charged Renger with 20 counts of failing to comply with a notice of violation ordering repairs. After discovering that the notice had been mailed to Cleveland addresses rather than Renger's accurate California mailing address, the City moved for leave to dismiss because it could not prove proper service. The trial court

denied the motion, and the City appealed. The Eighth District reversed and remanded with instructions to dismiss the case.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Cleveland Municipal Court, Housing Division, must enter a dismissal of the matter pursuant to Crim.R. 48(A).

CASES CITED

- State v. Forbes, 2022-Ohio-2871, ¶ 2 (8th Dist.)
- Cleveland v. Patterson, 2020-Ohio-1628, ¶ 6 (8th Dist.)
- Lakewood v. Pfeifer, 83 Ohio App.3d 47, 50 (8th Dist. 1992)
- State v. Sutton, 64 Ohio App.2d 105, 107 (9th Dist. 1979)
- State v. Jones, 8th Dist. Cuyahoga No. 101311, 2015-Ohio-1818, ¶ 31
- State v. Jones, 2d Dist. Montgomery No. 22521, 2009-Ohio-1957, ¶ 13
- State ex rel. Master v. Cleveland, 75 Ohio St.3d 23, 27, 1996-Ohio-228, 661 N.E.2d 180 (1996)
- In re United States, 345 F.3d 450, 454 (7th Cir. 2003)
- Cleveland v. Primm, 2017-Ohio-7242, ¶¶ 5-6 (8th Dist.)