

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

State v. Moreland

2026-Ohio-2310 · No. Montgomery C.A. Nos. 30449, 30450 · Decided June 18, 2026

SUMMARY

The Ohio Second District Court of Appeals affirmed Tommy Moreland’s convictions and aggregate sentence for murder, felonious assault, firearm-related offenses, tampering with evidence, and failure to comply with a police order. The court rejected claims concerning denial of substitute counsel, alleged conflicts of interest, ineffective assistance of counsel, and evidentiary issues involving witness testimony and GPS data. The opinion was issued per curiam with Judges Huffman, Tucker, and Epley participating.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Mary K. Huffman, J.; Tucker, J.; Epley, J.
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	June 18, 2026
DOCKET	Montgomery C.A. Nos. 30449, 30450
DISPOSITION	affirmed
PROCEDURAL POSTURE	Moreland appealed judgments of conviction in two joined criminal cases, challenging denial of substitution of counsel and a continuance, alleging ineffective assistance of counsel, and challenging joinder of the failure-to-comply case with the murder case.
STANDARD OF REVIEW	The denial of a motion to substitute counsel is reviewed for abuse of discretion. Ineffective-assistance claims are analyzed under Strickland v. Washington, requiring deficient performance and resulting prejudice. Joinder and severance decisions are reviewed under the applicable Crim.R. 8(A) and Crim.R. 14 prejudice framework, with the defendant bearing the burden to demonstrate prejudice.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion

PARTIESTommy Moreland v. State of Ohio

TOPICS

right to counsel

ineffective assistance

criminal procedure

jury selection

evidence

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion or violated Moreland's Sixth Amendment rights by denying a last-minute motion to substitute appointed counsel and continue trial.
2. Whether the trial court had a duty to inquire into a possible conflict arising from defense counsel's prior representation of State witness Christian Fannon.
3. Whether trial counsel was ineffective for failing to object to testimony describing the murder victim as a little girl and comparing her to counsel's family members.
4. Whether trial counsel was ineffective for stipulating to the authenticity of GPS data from the rented RAV4.
5. Whether trial counsel was ineffective for failing to request a clarifying jury instruction concerning aiding and abetting and conduct occurring after the offense.
6. Whether trial counsel was ineffective for failing to object to evidence concerning a prior dispute between Moreland and the victim's driver.
7. Whether trial counsel was ineffective for failing to object to evidence concerning a prior shooting in which Moreland was reportedly a target.
8. Whether trial counsel was ineffective for failing to raise a Batson challenge to the State's peremptory strike of an African American female juror.
9. Whether the trial court erred by joining the failure-to-comply case with the murder case for trial.

HOLDINGS

1. The trial court did not abuse its discretion or violate Moreland's Sixth Amendment rights by requiring substitute counsel to proceed on the scheduled trial date and denying a second continuance requested six days before trial.
2. The trial court had no affirmative duty to inquire into an alleged conflict based on defense counsel's prior representation of witness Fannon because the alleged conflict was not brought to the court's attention and the record did not show that the court knew or reasonably should have known of it.
3. Moreland failed to establish ineffective assistance of counsel under Strickland for any of the six alleged deficiencies.

4. Counsel was not ineffective for failing to object to Fannon's references to the victim as a little girl and comparisons to his daughter, sister, or niece.
5. Counsel was not ineffective for stipulating to the authenticity of GPS records from the RAV4.
6. Counsel was not ineffective for failing to request an additional instruction stating that post-offense conduct alone could not establish aiding and abetting.
7. Counsel was not ineffective for failing to object to evidence of Moreland's prior dispute with Byrdsong.
8. Counsel was not ineffective for failing to object to evidence concerning a 2021 shooting because the evidence supported the existence of an ongoing feud and Moreland was described as a target rather than the shooter; in any event, prejudice was not shown.
9. Counsel was not ineffective for failing to raise a Batson challenge because the record did not establish race- or gender-based prejudice and showed a race- and gender-neutral reason for the State's strike of Juror No. 2.
10. The trial court did not err in joining the failure-to-comply case with the murder case for trial.

KEY QUOTATIONS

“the essential aim of the Amendment is to guarantee an effective advocate for each criminal defendant rather than to ensure that a defendant will inexorably be represented by the lawyer whom he prefers.” (§ 10)

“To prevail on an ineffective assistance of counsel claim, a defendant must prove that his attorney was ineffective under two-part analysis set forth in Strickland v. Washington, 466 U.S. 668 (1984).” (§ 25)

“If the evidence of other crimes would be admissible at separate trials, any ‘prejudice that might result from the jury’s hearing the evidence of the other crime in a joint trial would be no different from that possible in separate trials,’ and a court need not inquire further.” (§ 60)

FACTUAL BACKGROUND

A 15-year-old girl was shot in the head while sitting in a white Impala driven by a group-home staff member. The State presented evidence linking Moreland, a rented Toyota RAV4, and other individuals to the shooting through witness testimony, GPS and cell-phone data, surveillance, and license-plate-reader evidence. A jail inmate testified that Moreland admitted following a vehicle and shooting at it, and the State also presented evidence of a prior dispute between Moreland and the Impala's driver. Moreland later fled police in the RAV4, resulting in the separate failure-to-comply charge.

PROCEDURAL HISTORY

Moreland was indicted for failure to comply after fleeing police and was later indicted on murder, felonious assault, tampering with evidence, and firearm-related charges. The trial court granted the State's motion to join the cases, denied a last-minute request to substitute counsel and continue trial, and conducted a jury trial at which Moreland was convicted of all charges and specifications. After merger, the court imposed an aggregate term of 37 to 46.5 years to life, consecutive to 36 months for failure to comply. The Court of Appeals affirmed both judgments.

DISPOSITION

affirmed

CASES CITED

- State v. Hackney, 2021-Ohio-2064 (6th Dist.)
- State v. Smith, 2012-Ohio-5020, ¶ 32 (3d Dist.)
- State v. Murphy, 91 Ohio St.3d 516, 523 (2001)
- State v. Darmond, 2013-Ohio-966, ¶ 34
- State v. Adams, 62 Ohio St.2d 151, 157 (1980)
- State v. Gilbreath, 2022-Ohio-3759, ¶ 8 (2d Dist.)
- AAAA Ents., Inc. v. River Place Community Urban Redevelopment Corp., 50 Ohio St.3d 157, 161 (1990)
- State v. Nicholson, 2007-Ohio-6653, ¶ 12 (8th Dist.)
- State v. Cobb, 2007-Ohio-1885 (4th Dist.)
- Wheat v. United States, 486 U.S. 153, 159 (1988)
- State v. Brock, 2017-Ohio-759, ¶ 25 (2d Dist.)
- State v. Chatmon, 2016-Ohio-1201, ¶ 8 (5th Dist.)
- State v. Jones, 91 Ohio St.3d 335, 343 (2001)
- State v. Howard, 2013-Ohio-2884, ¶ 40 (5th Dist.)
- Morris v. Slappy, 461 U.S. 1, 11 (1983)
- State v. Frazier, 2012-Ohio-1198, ¶¶ 26-27 (8th Dist.)
- United States v. Gonzalez-Lopez, 548 U.S. 140, 152 (2006)
- State v. Pruitt, 18 Ohio App.3d 50, 57 (8th Dist. 1984)
- United States v. Calabro, 467 F.2d 973, 986 (2d Cir. 1972)
- State v. Coleman, 2015-Ohio-5381, ¶¶ 10-11 (2d Dist.)
- Strickland v. Washington, 466 U.S. 668, 687, 697 (1984)
- State v. Bird, 81 Ohio St.3d 582, 585 (1998)
- State v. Russell, 2007-Ohio-137, ¶ 50 (2d Dist.)
- State v. Cook, 65 Ohio St.3d 516, 524-525 (1992)
- State v. Bradley, 42 Ohio St.3d 136, first paragraph of the syllabus (1989)
- State v. Morgan, 2017-Ohio-7565, ¶ 53
- State v. Powell, 2012-Ohio-2577, ¶ 86
- State v. Villani, 2019-Ohio-1831, ¶ 19 (12th Dist.)
- State v. Homer, 2006-Ohio-1432, ¶ 15 (12th Dist.)
- State v. Kaufhold, 2020-Ohio-3835, ¶ 58 (12th Dist.)
- State v. Steele, 2005-Ohio-943, ¶ 100 (12th Dist.)
- State v. Wilson, 2019-Ohio-338, ¶ 28 (12th Dist.)

- State v. Lancaster, 167 Ohio St. 391, 397 (1958)
- State v. Carson, 2012-Ohio-4501, ¶ 28 (10th Dist.)
- State v. Tyler, 2006-Ohio-6896, ¶ 40 (10th Dist.)
- State v. Marshall, 2019-Ohio-1154, ¶¶ 26-28 (9th Dist.)
- Batson v. Kentucky, 476 U.S. 79 (1986)
- J.E.B. v. Alabama ex rel. T.B., 511 U.S. 127 (1994)
- State v. Lewis, 2011-Ohio-1411, ¶¶ 75-76, 143 (2d Dist.)
- State v. Carver, 2008-Ohio-4631, ¶ 48 (2d Dist.)
- State v. Murphy, 2001-Ohio-112
- State v. Burks, 2008-Ohio-2463, ¶ 57 (10th Dist.)
- State v. Broadnax, 2007-Ohio-6584, ¶¶ 33, 37 (2d Dist.)
- State v. Torres, 66 Ohio St.2d 340, syllabus, 343-344 (1981)
- State v. Schaim, 65 Ohio St.3d 51, 59 (1992)
- State v. Hamblin, 37 Ohio St.3d 153, 158-159 (1988)
- Drew v. United States, 331 F.2d 85, 90 (D.C. Cir. 1964)
- State v. Kocovar, 2023-Ohio-1513, ¶¶ 22-23 (2d Dist.)
- State v. Wiles, 59 Ohio St.3d 71, 77 (1991)
- Dunaway v. United States, 205 F.2d 23, 27 (D.C. Cir. 1953)
- State v. Clinton, 2017-Ohio-9423, ¶ 52
- State v. Shockey, 1999 WL 961368 (2d Dist. June 25, 1999)
- State v. Hill, 2002-Ohio-4585, ¶ 8 (8th Dist.)

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