

[Cite as *Cleveland v. Jackson*, 2017-Ohio-390.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 104531

CITY OF CLEVELAND

PLAINTIFF-APPELLEE

vs.

DANITA JACKSON

DEFENDANT-APPELLANT

JUDGMENT:
REVERSED AND REMANDED

Criminal Appeal from the
Cleveland Municipal Court
Case No. 2015 TRD 017067

BEFORE: Kilbane, J., E.A. Gallagher, P.J., and S. Gallagher, J.

RELEASED AND JOURNALIZED: February 2, 2017

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MARY EILEEN KILBANE, J.:

{¶1} Defendant-appellant, Danita Jackson (“Jackson”), appeals her wrongful entrustment conviction on the grounds that there was insufficient evidence to sustain her conviction under Cleveland Codified Ordinances 435.05.¹

{¶2} The city of Cleveland (“the City”) concedes the error, and our review of the record substantiates the error — the City did not prove that Jackson knew or had reason to know that the driver of her vehicle did not have a valid driver’s license. Accordingly, the sole assignment of error is sustained.

{¶3} Judgment is reversed, and the matter is remanded with instructions for the trial court to vacate Jackson’s wrongful entrustment conviction.

It is ordered that appellant recover of appellee costs herein taxed.

The court finds there were reasonable grounds for this appeal.

¹Cleveland Codified Ordinances 435.05 provides in relevant part that

[n]o person shall authorize or knowingly permit a motor vehicle owned by him or her or under his or her control to be driven by any person if either of the following applies:

- (a) The offender knows or has reasonable cause to believe the other person has no legal right to drive the motor vehicle;
- (b) The offender knows or has reasonable cause to believe the other person’s act of driving the motor vehicle would violate any prohibition contained in R.C. 4507.01 to 4507.39.

It is ordered that a special mandate issue out of this court directing the municipal court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MARY EILEEN KILBANE, JUDGE

EILEEN A. GALLAGHER, P.J., and
SEAN C. GALLAGHER, J., CONCUR