[Cite as *State v. Abdi*, 2026-Ohio-4385.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
		No. 24AP-688
v.	:	(C.P.C. No. 24CR-1585)
Abdulasas A. Abdi,	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on November 5, 2026

On brief: *Shayla D. Favor*, Prosecuting Attorney, and *Jeffrey D. Devereaux*, for appellee.

On brief: *Mitchell A. Williams*, Public Defender, and *Robert D. Essex*, for appellant.

APPEAL from the Franklin County Court of Common Pleas

MENTEL, J.

{¶ 1} Defendant-appellant, Abdulasas A. Abdi, entered guilty pleas to one third-degree felony charge of failing to stop after an accident and one second-degree misdemeanor charge of vehicular manslaughter after striking Christopher Jones while driving. As part of his sentence, the Franklin County Court of Common Pleas ordered Mr. Abdi to pay restitution for Mr. Jones' funeral expenses. In this appeal, Mr. Abdi argues that a lack of competent and credible evidence supported the trial court's determination of the amount of restitution that he owes. Finding no error in the trial court's order, we affirm.

{¶ 2} On June 23, 2023, Christopher Jones was riding a bicycle in the vicinity of a Shell gas station on Alkire Road in Columbus, Ohio. After turning left in his Jeep Compass to exit the gas station, Mr. Abdi struck Mr. Jones, "paused momentarily, and then drove away." (Oct. 19, 2024 Tr. at 10.) The collision pushed Mr. Jones about 20 feet, causing him

to be hit again by a car traveling in the opposite direction. He was pronounced dead after being taken to a local hospital.

{¶ 3} Surveillance video from the gas station allowed investigators to identify the vehicle and, after obtaining information from Ohio's Bureau of Motor Vehicles, determine that Mr. Abdi owned it. His driver's license photograph also physically resembled the driver on the video footage. After obtaining a warrant, investigators searched Mr. Abdi's vehicle and found damage consistent with the collision.

{¶ 4} The state filed an indictment on March 22, 2024, charging Mr. Abdi with one count of failing to stop after an accident in violation of R.C. 4549.02, a third-degree felony, and one count of vehicular manslaughter in violation of R.C. 2903.06, a second-degree misdemeanor. Mr. Abdi initially entered a plea of not guilty on April 18, 2024, but later entered an *Alford* plea at a hearing held on October 18, 2024. *See State v. Griggs*, 2004-Ohio-4415, ¶ 13 (discussing *North Carolina v. Alford*, 400 U.S. 25 (1970), and describing an *Alford* plea as one in which "a defendant pleads guilty yet maintains actual innocence of the charges").

{¶ 5} After accepting the plea and hearing testimony from the victim's family, the trial court addressed the issue of restitution. The victim's father, H.J., described the funeral expenses that the family had incurred. He testified that the funeral and cremation cost "$3,200 and change," but didn't know "the exact number." (Tr. at 34.) H.J. also testified that the family wished to have Mr. Jones' remains buried in an existing family plot, and that the cemetery informed them that it would cost $8,000 to open it for the burial. *Id.* He had received a receipt for the funeral service but only a "quote" for the burial. *Id.* at 37.

{¶ 6} Neither party had a physical copy of either document, so the prosecutor used a cell phone to access copies of them that the family had uploaded to the Ohio Attorney General's Crime Victim Compensation Portal. *Id.* at 40. The trial court examined the electronic versions of the documents and asked H.J. several questions about the charges. *Id.* at 38-40. Neither document was admitted into evidence.

{¶ 7} The trial court sentenced Mr. Abdi to 36 months on the failure to stop charge and 19 days on the vehicular manslaughter charge, with all but 79 days suspended. After jail-time credit of 19 days, Mr. Abdi was to serve 60 days and was subject to community

control upon release, as well as a license suspension. The trial court also ordered Mr. Abdi to pay $11,052 in restitution for the funeral expenses.

{¶ 8} Mr. Abdi has appealed the restitution order, asserting the following assignment of error:

> The trial court erred in ordering restitution of $11,052 without competent and credible evidence in the record establishing the basis for that amount.

{¶ 9} Under the Ohio Revised Code's definitions applicable to criminal sentencing, a sentence includes any order of restitution imposed as a financial sanction for a felony or misdemeanor offense. *See* R.C. 2929.01(EE) (defining "sentence" as "the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense") and R.C. 2929.01(DD) (defining "sanction" as "any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense," including "any sanction imposed pursuant to" R.C. 2929.18, the provision governing financial sanctions and restitution imposed for a felony or R.C. 2929.28, the provision governing financial sanctions and restitution imposed for a misdemeanor). As the R.C. 2929.01(DD) definition of "sanction" indicates, separate statutory provisions govern restitution, depending on whether it is imposed for a felony or a misdemeanor. *Compare* R.C. 2929.18 *with* R.C. 2929.28. However, the trial court did not specify whether the felony offense of failing to stop after an accident or the misdemeanor offense of vehicular manslaughter was the legal basis for the restitution order. Nevertheless, the parties' briefing assumes that the governing statutory provision for the order is R.C. 2929.18, which applies to financial sanctions and restitution imposed for felony offenses. (*See* Brief of Defendant-Appellant at 8-9; Brief of Plaintiff-Appellee at 3-4.) Accordingly, this appeal will apply the standard of review applicable to restitution orders imposed under R.C. 2929.18 for felony offenses.

{¶ 10} Because restitution is a sanction that forms part of a felony sentence, a restitution order is subject to the standard of review that applies to all felony sentences under R.C. 2953.08(G)(2)(b). *State v. Scott*, 2024-Ohio-2274, ¶ 18 (10th Dist.), citing *State*

v. Anderson, 2018-Ohio-4618, ¶ 10 (10th Dist.).[1] "The appellate court's standard for review is not whether the sentencing court abused its discretion." R.C. 2953.08(G)(2). Rather, an appellate court may only reverse the restitution order "if it clearly and convincingly finds" that it is "contrary to law." R.C. 2953.08(G)(2)(b).

{¶ 11} R.C. 2929.18(A)(1) authorizes the imposition of "[r]estitution by the offender to the victim of the offender's criminal offense or the victim's estate, in an amount based on the victim's economic loss." The statute provides the following procedure for the imposition of restitution:

> At sentencing, the court shall determine the amount of restitution to be made by the offender. The victim, victim's representative, victim's attorney, if applicable, the prosecutor or the prosecutor's designee, and the offender may provide information relevant to the determination of the amount of restitution. The amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense.

R.C. 2929.18(A)(1).

{¶ 12} "The court shall determine the amount of full restitution by a preponderance of the evidence." *Id.* Furthermore, "there must be competent and credible evidence in the record from which the court may ascertain the amount of restitution to a reasonable degree of certainty." *State v. Norman*, 2013-Ohio-1908, ¶ 66 (10th Dist.), citing *State v. Blay*, 2010-Ohio-4749, ¶ 7 (10th Dist.).

{¶ 13} Mr. Abdi argues that the evidence relied upon to determine of the amount of restitution "was confusing at best and wholly insufficient at worst." (Brief of Appellant at 10.) He cites the following testimony of the victim's father concerning the $8,000 charge to open one of the prepaid burial plots they had purchased:

> THE COURT: Were you quoted $8,000 to open up the plot? And does that cost include opening up the plot for whichever one of you dies first? So in other words, you are going to have to open up the plot anyway, you know, if one of you die.

[1] In contrast to the standard in felony cases, orders imposed under R.C. 2929.28 for restitution in misdemeanor cases are reviewed for an abuse of discretion. *State v. Reynolds*, 2026-Ohio-1397, ¶ 9 (2d Dist.); *State v. Yafanaro*, 2026-Ohio-1766, ¶ 14 (8th Dist.); *Grove City v. Sample*, 2018-Ohio-4619, ¶ 22 (10th Dist.); *State v. Jones*, 2014-Ohio-3740, ¶ 22 (10th Dist.).

> THE WITNESS: I have receipts for that, and we have prepaid it.
>
> THE COURT: Okay.
>
> THE WITNESS: So they are only charging me half of what it would cost to open the plot because she and I own the plot and it's been prepaid.
>
> THE COURT: So the $8,000 is the cost that they said regardless of what you have already paid; is that correct?
>
> THE WITNESS: Yes, sir.

(Tr. at 38-39.)

{¶ 14} According to Mr. Abdi, the foregoing exchange "doesn't make much sense" because it is "unclear . . . what the $8,000 would be for when [H.J.] had prepaid for the plots and neither had been opened yet as he and his wife were both still alive." (Brief of Appellant at 12.) Only the preliminary portion of this exchange was confusing, however, because H.J. did not at first directly answer the questions posed. The final exchange confirmed the cost in question.

{¶ 15} Mr. Abdi also argues that "the record does not reflect that the receipt was one of the documents on the cellphone reviewed by the court," and the quote H.J. described was not admitted into evidence. *Id.* at 14. However, "a restitution order may be supported by the victim's testimony alone without documentary corroboration." *State v. Jones*, 2015-Ohio-3983, ¶ 16 (10th Dist.), citing *State v. Policaro*, 2007-Ohio-1469, ¶ 8 (10th Dist.). *See also State v. Jones*, 2014-Ohio-3740, ¶ 23 (10th Dist.) (holding that "evidence to support a restitution order can take the form of either documentary evidence or testimony").

{¶ 16} As Mr. Abdi acknowledges, the Ohio Rules of Evidence do not apply in sentencing proceedings. (Brief of Appellant at 12); Evid.R. 101(D)(3). He cites *State v. Reynoso*, 2025-Ohio-3119, ¶ 17, 27 (11th Dist.), to support his assertion of error, but in that case "the victim gave statements to the trial court telephonically, but was never sworn in," and therefore there was "no testimony-based or documentary evidence to support the trial court's order of restitution." *Id.* Here, however, H.J. provided sworn testimony upon which the trial court relied to determine the amount of restitution, which qualifies as "some quantum of evidence in the record" allowing review of the trial court's order. *Id.* at ¶ 25. We acknowledge that admission of the paper records referenced by the witness and the trial court would have provided a more robust record, and therefore encourage trial courts to

admit exhibits on which they base restitution orders even when not technically required. However, Mr. Abdi has not shown that the trial court erred on the record presented, and the restitution order was therefore not contrary to law under R.C. 2953.08(G)(2)(b). Accordingly, the assignment of error is overruled.

{¶ 17} Having overruled the sole assignment of error, the judgment of the trial court is affirmed.

Judgment affirmed.

BOGGS, P.J., and DORRIAN, J., concur.