

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CLARK COUNTY

STATE OF OHIO

Appellee

v.

MARK ANTHONY HALL

Appellant

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C.A. No. 2024-CA-68

Trial Court Case No. 22-CR-933

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on December 30, 2025, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately serve notice of this judgment upon all parties and make a note in the docket of the service. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



ROBERT G. HANSEMAN, JUDGE

TUCKER, J., and LEWIS, J., concur.

OPINION
CLARK C.A. No. 2024-CA-68

MICHAEL P. BRUSH and JOHNNA M. SHIA, Attorneys for Appellant
DANIEL P. DRISCOLL, Attorney for Appellee

HANSEMAN, J.

{¶ 1} Mark Anthony Hall appeals from his convictions in the Clark County Common Pleas Court of felonious assault, discharge of a firearm on or near prohibited premises, carrying concealed weapons, having weapons while under disability, and associated firearm and repeat violent offender specifications. In support of his appeal, Hall claims that his convictions were not supported by sufficient evidence and were against the manifest weight of the evidence. Hall also claims that the trial court erred by admitting evidence at trial that the parties had agreed the State would not present. Hall further claims that other evidence admitted at trial was inadmissible hearsay; improper evidence of other crimes, wrongs, or acts; an unqualified expert opinion; or unduly prejudicial. Hall additionally challenges the admission of a PowerPoint presentation that the State used to summarize its evidence on grounds that it contained inadmissible hearsay and was unduly prejudicial. Lastly, Hall contests the trial court's imposition of consecutive sentences for his offenses. For the reasons outlined below, we find that Hall's arguments lack merit and affirm the judgment of the trial court.

Facts and Course of Proceedings

{¶ 2} On December 27, 2022, a Clark County grand jury returned a five-count indictment charging Hall with single counts of felonious assault, discharge of a firearm on or near prohibited premises, carrying concealed weapons, having weapons while under disability, and improperly handling firearms in a motor vehicle. The counts for felonious

assault and discharge of a firearm on or near prohibited premises each included a firearm specification and a repeat violent offender specification.

{¶ 3} The indicted charges and specifications stemmed from allegations that on the night of November 25, 2022, Hall drove to the Holiday in the City event in Springfield, Ohio, with a loaded firearm concealed on his person, and after a fight broke out near 101 South Fountain Avenue, fired three gunshots while in a crowd of people. The indictment further alleged that Hall shot 18-year-old Montavion Griffin in the right arm during the incident. It was also alleged that Hall was under a weapons disability and was a repeat violent offender based on his prior felonious assault conviction in Clark County Case No. 2009 CR 0983.

{¶ 4} Hall pleaded not guilty to the indicted charges and specifications and filed two motions to suppress. One of the motions sought to suppress evidence obtained from various search warrants that Hall claimed were deficient. The other motion sought to suppress evidence obtained from an alleged illegal search and seizure of Hall and from an alleged *Miranda* violation.

{¶ 5} On August 31, 2023, the trial court held a suppression hearing on the motion involving the search warrants. During that hearing, the State advised the trial court that the search warrant for Hall's last known residence, 2135 Erie Avenue, did not produce any evidence that would be introduced by the State at trial, but instead would be properly admitted in a separate drug case. Based on the State's advisement, the trial court acknowledged that the parties had agreed that no information gained from that search warrant would be used to prosecute Hall in the instant case. The remaining suppression issues were overruled following a second suppression hearing that was held on January 3, 2024.

{¶ 6} On August 20, 2024, Hall’s case proceeded to a four-day trial. The charges for felonious assault, discharge of a firearm on or near prohibited premises, carrying concealed weapons, and improperly handling firearms in a motor vehicle were tried to a jury. The charge for having weapons while under disability was tried to the bench. During the jury trial, the State presented testimony from the shooting victim, the investigating police officers and detectives, an Ohio Adult Parole Authority (“APA”) employee, a forensic firearms expert, and an intelligence manager with the Ohio Narcotics Intelligence Center (“ONIC”). Hall did not testify at trial, nor did he present any defense witnesses. The following is a review of the evidence that the State presented during Hall’s trial.

Victim’s Testimony

{¶ 7} The shooting victim, Griffin, attended the Holiday in the City event on November 25, 2022. Griffin testified that while he was at the event, a fight broke out in the street between his juvenile cousin, L.B., and another juvenile named T.M. Griffin testified that he was standing near the fight and watching it when he suddenly heard a gunshot. Griffin claimed that he became scared when he heard the gunshot and jogged away from the area. Griffin did not see who fired the gunshot, but when he looked towards where the shot had been fired from, he saw a 30-to-40-year-old black male wearing a mask and a black-hooded sweatshirt pointing a gun at him from about 20 feet away. Griffin testified that the masked individual shot him in the upper part of his right arm. Griffin identified photographs of the bullet wound he sustained. Although Griffin could not identify the shooter, he said that the shooter was standing beside T.M. as the shots were fired.

Evidence Collected at the Scene and Discovery of Firearm

{¶ 8} Investigating officers collected various items of evidence from the street and sidewalk area near where the fight and shooting had occurred, which included three .40-

caliber Smith and Wesson shell casings, a black ski mask, a lanyard with keys, a black hat, and a white shoe. Griffin testified that the lanyard and keys belonged to him. Detective Justin Massie, the lead detective on the case, testified that the clothing items were not submitted for DNA testing because videos of the shooting showed a lot of people in the crowd wearing similar items of clothing.

{¶ 9} A forensic firearms expert from the Ohio Bureau of Criminal Investigation analyzed the three shell casings from the shooting scene and concluded that they were all fired from the same firearm. Officers discovered the firearm four months after the shooting during a separate investigation in Dayton. The firearm, a Glock model 23 semiautomatic pistol, was matched to the three shell casings using the FBI's National Integrated Ballistic Information Network. After the firearm was found, the firearm examiner analyzed it and concluded that it had fired all three shell casings. Detective Massie testified that the firearm was not checked for fingerprints due to the amount of time that had passed since the shooting and the likelihood that it had changed hands.

Cellphone Videos

{¶ 10} Detective Massie testified that in the course of his investigation, he obtained four amateur cellphone videos that were taken at the time of the shooting. One of the videos shows that a woman identified as Hall's sister, Anastasia Hall, tried to get T.M., her nephew, into a Chevy Cruz that was parked in the street. However, before Anastasia could get him into her vehicle, T.M. was pulled into a physical fight by a group of juveniles. Shortly thereafter, a gunshot is audible in the video.

{¶ 11} Two of the other cellphone videos capture the shooter at the scene and reveal that the shooter was male with an athletic build. The videos show the shooter wore torn-up jeans, a black hoodie or jacket with the hood up, a white undershirt, and black Nike sneakers

with white soles. One of these videos indicates that the shooter was wearing four large rings on his left hand. The shooter's rings are visible in the footage of him casually walking up to where the fight was happening, just before he fired the first gunshot. The other video depicting the shooter shows that as he reached the area where the juveniles were fighting, he raised his firearm in the air and fired the first shot.

Surveillance Video from Anastasia Hall's Residence

{¶ 12} In addition to the cellphone videos, Detective Massie obtained surveillance videos from Anastasia Hall's residence, which was located a short distance from where the shooting occurred. One of the surveillance videos shows Hall visited Anastasia's residence at approximately 12:45 p.m. on the day of the shooting.¹ The video shows that Hall was a black male with an athletic build. It also shows that Hall was wearing four large rings on his left hand and one large ring on the pinky finger of his right hand.

{¶ 13} Massie testified that the shooting incident occurred at approximately 7:57 p.m. One of the surveillance videos from Anastasia's residence shows four young people entered the front door of the residence at approximately 8:00 p.m. on the night of the shooting. Ten minutes after that, Anastasia arrived at the residence as well. At least two of the young people shown in the surveillance video were also depicted in the cellphone videos. Massie identified one of them as Hall's niece, H.K. Another person in the surveillance video was wearing only one white shoe, which was similar to the white shoe that was found at the scene of the shooting.

¹ Detective Massie testified that by comparing the time that investigating officers reported visiting Anastasia Hall's residence with the time shown on the surveillance video depicting that visit, he was able to determine that the time shown on the surveillance system was approximately 37 minutes behind the actual time. The times discussed in this opinion account for that difference and reflect the actual time.

{¶ 14} Another surveillance video from Anastasia's residence shows that at approximately 8:20 p.m. on the night of the shooting, a person dressed exactly like the shooter exited the back door of Anastasia's residence and went to the back yard. While that person was in the back yard, Anastasia stood in the doorway waiting for the person to return. When that person returned, he was carrying a large black bag on his back. The person then walked away from the residence and Anastasia went back inside.

Hall's Phone Number and Facebook Accounts

{¶ 15} APA employee Madison Arnold testified that she was familiar with Hall, had met with Hall in person, and had spoken with Hall over the phone on multiple occasions. Arnold identified Hall's phone number. Kelsey Conn, an intelligence manager with ONIC testified that she used database inquiries to confirm that the phone number identified by Arnold was connected to Hall. Conn also testified that Hall's phone number was connected to a Cash App account that was under Hall's name with the handle "\$ricksanchez74."

{¶ 16} Detective Massie testified that after conducting an open-source investigation on social media, he found two Facebook accounts in which Hall was pictured in publicly viewable photographs. The names on those two accounts were Mark Hall and Rick Sanchez. Massie indicated that he obtained a search warrant for all the Facebook records associated with those accounts. Massie said that the Facebook records he received showed that the Rick Sanchez account was registered to the e-mail address markhall7412@yahoo.com.

{¶ 17} Massie explained that the Facebook records included messaging content between the Rick Sanchez account associated with Hall and an account associated with Hall's nephew, T.M. The records showed that four days before the shooting incident, T.M. sent Hall the following message: "I'm finna leave wit my dad to go to Dayton can u bring me my phone and blick. ??" State's Ex. 51. Massie shared that through his training and

experience, he knew that the term “blick” was street slang for gun. In response to T.M.’s question about his “blick,” Hall posted the following message: “He said not to bring that yo mom trippin I guess.” *Id.* Hall also said: “But I got it.” *Id.* On the day of the shooting, T.M. continued to chat with Hall about his “blick” and said, “You still got my blick put up.” *Id.* Hall responded: “Yeah.” *Id.*

{¶ 18} The Facebook records also showed that Hall had used his Rick Sanchez account to correspond with several of his family members in a group chat. Approximately an hour and a half after the shooting, Hall posted to the family group chat: “Erase all messages from me everone erase this family chat and make a new one.” State’s Exhibit 52. One minute later Hall posted: “And fuck them ni***s I’m involved now.” *Id.* T.M. then said: “You koo Unk.” Hall immediately responded: “Yeah” and “I got 30k for a lawyer I’m not tripping if anything I’ll do 3 for the gum.” *Id.* Hall promptly corrected his spelling error “gum” and posted the word “Gun.” *Id.*

The Jaguar

{¶ 19} Massie testified that surveillance video taken from the Mariott hotel near the scene of the shooting shows that the shooter exited a Jaguar sedan. The surveillance video was played at trial, and it showed the shooter exited the Jaguar at 7:56 p.m., ran back to the Jaguar at 7:58 p.m., and then drove away.² Massie testified that another officer obtained the vehicle registration information of a Jaguar matching the vehicle shown in the surveillance video—a dark-blue 2013 Jaguar XJL registered to Christopher Mitchell. Massie testified that Mitchell was one of Hall’s Facebook contacts and that Mitchell’s social media accounts had led him to Hall’s Facebook accounts.

² Det. Massie testified that he was able to confirm that the hotel’s surveillance system was one hour ahead of the actual time. The times discussed in this opinion account for that difference and reflect the actual time.

{¶ 20} The Facebook records showed that Hall had corresponded with his sister, Heather Hall, about a Jaguar near the time of the shooting. At 1:18 p.m. on the day of the shooting, Heather asked to “drive in the jag” and Hall responded “fk no.” State’s Ex. 54. The day after the shooting, Heather asked Hall when she could “use the dodge,” and Hall responded “[o]nly car I have at the moment” and “Jag gone.” *Id.* APA employee Arnold testified that in early November 2022, she had observed a dark-blue 2013 Jaguar XJL parked at 2135 Erie Avenue, which was Hall’s last known residence.

Torn-Up Jeans and Black Nylon Case

{¶ 21} Detective Ronald Jordan testified that he had assisted with the execution of a search warrant at Hall’s last known residence. Jordan testified that the residence belonged to Hall’s sister, Heather, and that Heather’s son, T.M., resided there as well. Jordan said that during the search of the residence, he had located a pair of torn-up blue jeans in the laundry room that looked like the jeans worn by the shooter in the cellphone videos. Jordan also indicated that he had located a black nylon bag, which he said looked “like a rifle case or firearms case.” Tr. 597.

{¶ 22} Hall objected to the nylon bag’s description as a rifle case on grounds that such a description was speculative and prejudicial. To remedy the error, Hall requested the trial court to give a curative instruction. The trial court granted Hall’s request and gave a curative instruction that instructed the jury to disregard Jordan’s testimony describing the nylon bag as a rifle case. Hall did not raise any objection to the admission of the photographs depicting the nylon bag and torn-up jeans.

AT&T Records

{¶ 23} Detective Massie testified that AT&T provided him with call detail records for Hall’s cellphone number and that those records showed that Hall had called his sister,

Anastasia, approximately four minutes after the shooting. He also testified that the call detail records showed that Hall had called Mitchell, the owner of the Jaguar, approximately six minutes after the shooting. In addition, Massie testified that the AT&T records included Network Event Location System (“NELOS”) data that was used to obtain the approximate location of Hall’s cellphone during the time of the shooting. Massie and ONIC’s intelligence manager, Conn, mapped the NELOS data and determined that Hall’s cellphone was in Springfield at the time of the shooting.

Jail Phone Call

{¶ 24} Massie testified that as part of his investigation, he had listened to recorded outbound calls from the Clark County Jail that were made to Hall’s phone number. Massie noted that one of the calls had been made by an inmate named Thurston Goodjohn the day after the shooting. Massie said that he recognized Hall’s voice on the call because he had previously interviewed Hall over the phone.

{¶ 25} A redacted version of the call was played for the jury and admitted into evidence. During the call, Goodjohn told Hall that he had heard something was going on and asked Hall what had happened. In response, Hall said: “Uh, shit, I don’t even know how to say it on here.” State’s Ex. 64. Shortly thereafter, Hall abruptly asked Goodjohn: “You didn’t hear about that shit downtown last night? That shit is crazy.” *Id.* In response, Goodjohn said that he had not heard about what Hall was talking about and said “the news will be on” and “don’t say nothing, bro.” *Id.* Goodjohn then asked Hall if he was ok. Hall responded, “Uh, for now.” *Id.* Toward the end of the conversation Goodjohn told Hall to “stay out of trouble, stay out the way, bro, but I know it’s hard.” *Id.*

Hall's Arrest

{¶ 26} Deputy Daniel Tebo of the United States Marshals Service testified that as a team leader for the Southern Ohio Fugitive Apprehension Strike Team (“SOFAST”), he arrested Hall on January 6, 2023, at Hall’s residence. Tebo explained that when arresting Hall, he collected several rings, chains, and pendants that Hall was wearing. Tebo identified photographs of five large rings that Hall was wearing when he was arrested.

{¶ 27} Dayton Police Officer Joey Myers testified that on January 6, 2023, he had been assigned to SOFAST and assisted with arresting Hall. Myers said that while he was sitting in an unmarked vehicle with Hall, he asked Hall who the juvenile male was inside his residence. According to Myers, Hall responded: “My sister’s son who got me in this fucking mess.” Tr. 589.

Anonymous Informant

{¶ 28} On cross-examination, Detective Massie testified that two days after the shooting, an anonymous informant came into the police station and claimed that Hall was the shooter at the Holiday in the City event. Massie further testified that he had not realized until later that the informant had left their phone number. Massie indicated that he had never reached out to the informant given the trajectory that the investigation had taken.

ONIC Presentation

{¶ 29} Toward the end of its case and chief, the State presented a PowerPoint presentation that was prepared by ONIC intelligence manager, Conn (“the ONIC presentation”). The ONIC presentation was a summary of all the State’s evidence in an organized, easy to understand format. The presentation included slides presenting the NELOS data through maps that showed the approximate location of Hall’s cellphone at the time of the shooting. The presentation also included slides containing some of the video

evidence and a still shot of the shooter. In addition, the presentation included slides showing Hall's family tree, a timeline of events, and some of the relevant Facebook chat postings organized in charts. Hall objected to the admission of the ONIC presentation on the grounds that it contained inadmissible hearsay and prejudicial conclusory opinions. The trial court overruled the objection but gave a limiting instruction to the jury advising that the ONIC presentation was simply an aid to help the jury determine what the evidence showed.

Verdict and Sentencing

{¶ 30} After hearing the evidence, the jury deliberated and found Hall guilty of all the tried charges and specifications, except for the charge of improperly handling firearms in a motor vehicle. Following a brief bench trial, the trial court found Hall guilty of having weapons while under disability.

{¶ 31} At sentencing, the trial court imposed an 8-year prison term for felonious assault plus a consecutive 3-year prison term for the attendant firearm specification and a consecutive 5-year prison term for the repeat violent offender specification. Hall thus received a total of 16 years in prison for felonious assault.

{¶ 32} The trial court imposed an indefinite term of 6 to 9 years in prison for discharge of a firearm on or near prohibited premises plus a consecutive 3-year prison term for the attendant firearm specification. The trial court did not impose a prison term for the attendant repeat violent offender specification. Hall received a total indefinite term of 9 to 12 years in prison for discharge of a firearm on or near prohibited premises.

{¶ 33} The trial court imposed a 36-month prison term for having weapons while under disability and an 18-month prison term for carrying concealed weapons. The trial court ordered the 18-month prison term to be served concurrently with the other prison terms. The

trial court ordered all the other prison terms to be served consecutively to one another. Accordingly, Hall received an aggregate indefinite term of 28 years to 31 years in prison.

{¶ 34} Hall now appeals from his conviction and raises four assignments of error for review. For purposes of clarity, we address Hall's assignments of error out of order.

Third Assignment of Error

{¶ 35} Under his third assignment of error, Hall claims that his convictions were not supported by sufficient evidence and were against the manifest weight of the evidence. We disagree.

Standards of Review

{¶ 36} "A sufficiency of the evidence argument disputes whether the State has presented adequate evidence on each element of the offense to allow the case to go to the jury or sustain the verdict as a matter of law." *State v. Wilson*, 2009-Ohio-525, ¶ 10 (2d Dist.), citing *State v. Thompkins*, 78 Ohio St.3d 380, 386 (1997). "When reviewing a claim as to sufficiency of evidence, the relevant inquiry is whether any rational factfinder viewing the evidence in a light most favorable to the state could have found the essential elements of the crime proven beyond a reasonable doubt." (Citations omitted.) *State v. Dennis*, 79 Ohio St.3d 421, 430 (1997). "The verdict will not be disturbed unless the appellate court finds that reasonable minds could not reach the conclusion reached by the trier-of-fact." (Citations omitted.) *Id.*

{¶ 37} In contrast, "[a] weight of the evidence argument challenges the believability of the evidence and asks which of the competing inferences suggested by the evidence is more believable or persuasive." (Citation omitted.) *Wilson* at ¶ 12. When evaluating whether a conviction is against the manifest weight of the evidence, the appellate court must review the entire record, weigh the evidence and all reasonable inferences, consider witness

credibility, and determine whether, in resolving conflicts in the evidence, the trier of fact “clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered.” *Thompkins* at 387, quoting *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983). “The fact that the evidence is subject to different interpretations does not render the conviction against the manifest weight of the evidence.” *State v. Adams*, 2014-Ohio-3432, ¶ 24 (2d Dist.), citing *Wilson* at ¶ 14.

Analysis

{¶ 38} Hall’s sufficiency and manifest weight claims challenge only his identification as the shooter. He claims that no one other than an unreliable anonymous informant identified him as the shooter. While that may be true, Hall fails to recognize that “circumstantial evidence may be utilized to establish the identity of the perpetrator of a crime,” *State v. Culbertson*, 2020-Ohio-903, ¶ 67 (5th Dist.), and that “[a] conviction can be obtained solely based on circumstantial evidence.” *State v. Boyd*, 2025-Ohio-984, ¶ 37 (2d Dist.), citing *State v. Nicely*, 39 Ohio St.3d 147, 151 (1998).

{¶ 39} Upon review, we find that the State presented ample circumstantial evidence indicating that Hall was the shooter. The evidence established that Hall’s cellphone was near the area of the shooting in Springfield when the incident occurred. The video evidence established that the shooter was wearing the exact same clothing as a person who was at the residence of Hall’s sister approximately 20 minutes after the shooting. The video evidence also established that approximately seven hours before the shooting, Hall was wearing four large rings on his left hand that looked like the four large rings worn by the shooter on his left hand. The video evidence further revealed that Hall, a black male, had the same athletic build as the shooter.

{¶ 40} In addition, the video evidence established that several of Hall's family members were present during the shooting incident and that some of them were standing near the shooter. The shooting victim, Griffin, testified that the shooter was standing beside T.M., Hall's nephew, when the shooter fired the shot that struck him. Griffin also testified that T.M. was one of the juveniles who were fighting immediately before the shots were fired. The evidence indicated that Hall participated in a Facebook chat with T.M. near the time of the shooting in which they discussed Hall bringing T.M. his "blick," i.e., his gun. Testimony indicated that when Hall was arrested, he told an officer that he blamed T.M. for the predicament he was in.

{¶ 41} The Facebook records also established that Hall had participated in a Facebook group chat with several of his family members in which he had posted multiple incriminating messages. The day after the shooting, Hall posted messages stating that he was "involved now," that he had "30k for a lawyer," and "if anything I'll do 3 for the gum," which Hall later corrected to say "Gun." State's Ex. 52. Hall also posted a message instructing all the chat members to "[e]rase all messages from me" and for everyone to "erase this family chat and make a new one." *Id.* Hall's comments during the recorded jail phone call with Thurston Goodjohn also suggested that Hall was involved in the shooting.

{¶ 42} Evidence also connected Hall to the Jaguar that the hotel surveillance video showed the shooter exiting and entering before and after the shooting. Significantly, Hall sent a Facebook message to his sister, Heather, the day after the shooting telling her that the "Jag gone." *Id.* The call detail records from Hall's phone number established that Hall had called the registered owner of the Jaguar approximately six minutes after the shooting. The evidence also established that the registered owner of the Jaguar was one of Hall's

contacts on Facebook. APA employee Arnold testified to observing a Jaguar parked at Hall's last known residence in early November 2022.

{¶ 43} All the foregoing evidence points to Hall's identity as the shooter. But Hall maintains that the cellphone videos and Facebook records implicating him in the incident were not properly authenticated. Authentication of evidence is governed by Evid.R. 901 and "requires, as a condition precedent to the admissibility of evidence, a showing that the matter in question is what it purports to be." *State v. Leigh*, 2023-Ohio-91, ¶ 39 (2d Dist.), quoting *State v. Simmons*, 2011-Ohio-2068, ¶ 12. "The authentication threshold is low, meaning that the party seeking to introduce the disputed evidence need only demonstrate 'a reasonable likelihood that the evidence is authentic.'" *State v. Shropshire*, 2020-Ohio-6853, ¶ 11 (2d Dist.), quoting *State v. Yuschak*, 2016-Ohio-8507, ¶ 16 (9th Dist.).

{¶ 44} Regarding the cellphone videos, Detective Massie testified that they were amateur videos taken at the Holiday in the City event on November 25, 2022. Massie explained that he had determined that the videos were taken in the area where the Christmas tree was lit in front of 101 South Fountain Avenue in Springfield. Massie testified that he was familiar with the location depicted in the cellphone videos and that the videos depicted the fight and shooting in question. From this testimony, we find that a reasonable juror could have concluded that the cellphone videos were what they were purported to be. The cellphone videos were properly authenticated.

{¶ 45} As for the Facebook records, Massie testified that he had preserved the Facebook accounts of Mark Hall and Rick Sanchez because his open-source investigation showed that Hall was depicted in publicly viewable photographs on those accounts. Massie obtained a search warrant for those Facebook accounts and received certified copies of the account records. The State presented a certification of authenticity of the Facebook records,

and Massie testified that the certified Facebook records showed that the Sanchez account was registered to the e-mail address markhall7412@yahoo.com. Kelsey Conn testified that the alias Rick Sanchez matched a Cash App application that was associated with Hall's name and phone number. From all this evidence, a reasonable juror could have reasonably concluded that these records were what they purported to be—records from Hall's Facebook user accounts. Therefore, the Facebook records were properly authenticated.

{¶ 46} When viewing the evidence in a light most favorable to the State, we find that a rational factfinder could have concluded beyond a reasonable doubt that Hall was the person who fired the gunshots and shot Montavion Griffin at the Holiday in the City event on November 25, 2022. Accordingly, Hall's claim that his convictions were not supported by sufficient evidence lacks merit.

{¶ 47} Also, after reviewing the entire record and weighing all the evidence and reasonable inferences, we find that the jury did not lose its way or create a manifest miscarriage of justice by finding Hall guilty of the convicted offenses. The weight of the evidence supports the jury's determination that Hall was the shooter. Hall's convictions were not against the manifest weight of the evidence either.

{¶ 48} Hall's third assignment of error is overruled.

First Assignment of Error

{¶ 49} Under his first assignment of error, Hall claims that the trial court erred by admitting evidence that was obtained from the search of his last known residence after the parties had agreed not to use that evidence at trial. Specifically, Hall takes issue with the trial court admitting photographs of the torn-up jeans and black nylon bag that were found at his residence. Hall asserts that the trial court did not rule on the portion of his motion to suppress pertaining to that evidence due to the parties' agreement not to present the

evidence at trial. Because of this, Hall asks this court to vacate his convictions and remand the matter to the trial court to rule on the suppression issue pertaining to the torn-up jeans and black nylon bag.

{¶ 50} During oral argument, the State conceded that the parties had agreed not to present the evidence in question. There is also no dispute that the State presented photographic evidence of the torn-up jeans and black nylon bag at trial. Although that was a clear breach of the parties' agreement, the State points out that Hall never objected to the admission of the photographic evidence at issue and therefore claims that Hall waived all but plain error for appeal.

{¶ 51} After reviewing the record, we agree that Hall did not object to the admission of the photographs of the torn-up jeans and black nylon bag. Accordingly, we are limited to a plain-error review. "To establish plain error, [an appellant] must show that an error occurred, that the error was obvious, and that there is 'a reasonable probability that the error resulted in prejudice,' meaning that the error affected the outcome of the trial." (Emphasis deleted.) *State v. McAlpin*, 2022-Ohio-1567, ¶ 66, quoting *State v. Rogers*, 2015-Ohio-2459, ¶ 22. Notice of plain error is to be taken "with the utmost caution, under exceptional circumstances and only to prevent a manifest miscarriage of justice." *State v. Long*, 53 Ohio St.2d 91 (1978), paragraph three of syllabus.

{¶ 52} In this case, it was an obvious error for the State to present the photographic evidence at issue. However, we cannot say that the error impacted the outcome of Hall's trial. Although the evidence of the torn-up jeans and black nylon bag supported Hall's identification as the shooter, that evidence was not critical. Even without the photographs of the torn-up jeans and black nylon bag, the State's evidence was more than sufficient to permit a rational factfinder to conclude that Hall was the shooter. Because there was more

than enough evidence to establish that Hall was the shooter, we cannot say that the improper admission of the photographs at issue impacted the outcome of Hall's trial. Accordingly, we find no plain error.

{¶ 53} Hall's first assignment of error is overruled.

Second Assignment of Error

{¶ 54} Under his second assignment of error, Hall claims that the trial court erred by allowing the State to present inadmissible, prejudicial evidence to the jury during his trial. He contests the admission of (1) Detective Massie's testimony about the anonymous informant identifying him as the shooter; (2) APA employee Arnold's testimony; (3) Detective Jordan's testimony describing the black nylon bag as a "rifle case"; (4) Detective Massie's testimony concerning Hall's cellphone location data; and (5) the ONIC PowerPoint presentation. We review each of Hall's claims separately.

Detective Massie's Testimony About the Anonymous Informant

{¶ 55} Hall argues that the trial court should have instructed the jury to disregard Massie's testimony about the anonymous informant identifying him as the shooter. According to Hall, that testimony was inadmissible hearsay that violated his Sixth Amendment right to confront his accusers.

{¶ 56} In this case, Hall's trial counsel, not the State, elicited Massie's testimony about the anonymous informant. "Under the invited-error doctrine, a party will not be permitted to take advantage of an error which he himself invited or induced the trial court to make." (Citation omitted.) *State ex rel. Bitter v. Missig*, 72 Ohio St.3d 249, 254 (1995). "Thus, a defendant cannot challenge testimony elicited during his cross-examination of a state's witness on hearsay or confrontation grounds because any error in the admission of the testimony was invited or induced by the defendant." *State v. Nieves*, 2022-Ohio-3040, ¶ 45

(8th Dist.), citing *State v. Pennington*, 2018-Ohio-3640, ¶ 54 (1st Dist.); *State v. Chambers*, 2006-Ohio-5326, ¶ 21 (8th Dist.).

{¶ 57} The State did not ask about the anonymous informant, let alone ask what the informant told the police. On cross-examination, Hall's trial counsel raised the matter by asking Massie the following questions:

Q: And on November 27, an anonymous person came into the Springfield Police Department and gave the police department information on this case, right?

A: Yes.

Q: And that information actually named the name Mark Hall, correct?

A: Yes.

Q: And so I want to make sure after you learned that, no matter when it was, after you learned that, what did you do to find out the identification of that anonymous person?

A: In fact, I didn't. On that interoffice, I honestly didn't even recognize that the anonymous person left a phone number to call. Normally when people want to stay anonymous, they say that for a reason; and at that time there were other measures to do and the investigation took off to where now I look back and I never even reached out to the anonymous person.

Tr. 505.

{¶ 58} Because Hall's trial counsel elicited the testimony at issue, any alleged error in admitting that testimony was invited or induced by Hall. For this reason, Hall's hearsay and confrontation arguments lack merit.

{¶ 59} We also note that hearsay is “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Evid.R. 801(C). “If a statement is not offered to prove the truth of the matter asserted then it does not constitute hearsay.” *State v. Wright*, 2022-Ohio-1786, ¶ 102 (2d Dist.), citing *State v. Parker*, 2002-Ohio-3920, ¶ 50 (2d Dist.); *State v. Thomas*, 61 Ohio St.2d 223, 232 (1980). When testimony concerning extrajudicial statements of an out-of-court declarant is offered to explain the subsequent investigative activities of the testifying witness and not to prove the truth of the matter asserted, the testimony is admissible. *Thomas* at 232.

{¶ 60} In this case, Hall’s trial counsel did not elicit the testimony in question for the purpose of proving the truth of what was asserted by the anonymous informant. Indeed, Hall’s trial counsel certainly did not want the jury to believe that Hall was the shooter. Instead, Hall’s trial counsel elicited the testimony to show that Massie had not followed up with the anonymous informant. Because the testimony at issue was not offered for the truth of the matter asserted, it was not hearsay. Hall’s claim otherwise lacks merit.

APA Employee’s Testimony

{¶ 61} Hall argues that the testimony of APA employee Arnold should have been excluded under Evid.R.404(B). Evid.R. 404(B) provides that: “[e]vidence of any other crime, wrong or act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.” In other words, “Evid.R. 404(B) excludes evidence of other crimes, wrongs, or acts when they are offered only to show that an accused acted in conformity therewith.” *State v. Horsley*, 2006-Ohio-1208, ¶ 19 (10th Dist.). “If the evidence at issue does not involve ‘appellant’s prior criminal

conduct or bad acts,’ then Evid.R. 404(B) is not applicable.” *State v. Moss*, 2024-Ohio-2415, ¶ 34 (6th Dist.), quoting *State v. Bond*, 2016-Ohio-8383, ¶ 49 (6th Dist.).

{¶ 62} “The admissibility of other-acts evidence under Evid.R. 404(B) is a question of law that we review de novo.” *State v. Worley*, 2021-Ohio-2207, ¶ 117, citing *State v. Hartman*, 2020-Ohio-4440, ¶ 22. In this case, Hall failed to object to Arnold’s testimony at trial, so we review his 404(B) claim for plain error. *State v. Hancock*, 2006-Ohio-160, ¶ 59-60 (holding that if the party wishing to exclude evidence fails to contemporaneously object at trial when the evidence is presented, that party waives all but plain error for appeal). As previously discussed, “[t]o establish plain error, [an appellant] must show that an error occurred, that the error was obvious, and that there is ‘a reasonable probability that the error resulted in prejudice,’ meaning that the error affected the outcome of the trial.” (Emphasis deleted.) *McAlpin*, 2022-Ohio-1567 at ¶ 66, quoting *Rogers*, 2015-Ohio-2459 at ¶ 22.

{¶ 63} Our review of the record establishes that Arnold never testified about any prior crimes, wrongs, or bad acts committed by Hall. Rather, Arnold testified that she was employed through the Ohio Adult Parole Authority, was familiar with Hall, and had spoken with Hall in person and on the phone on multiple occasions. Arnold said that Hall had provided her with his phone number, which she stated on the record. Arnold explained that she used that number whenever she talked to Hall on the phone. In addition, Arnold testified about the Jaguar parked at Hall’s last known residence.

{¶ 64} Because Arnold never testified about any prior crimes, wrongs, or acts committed by Hall, Arnold’s testimony does not invoke Evid.R. 404(B). We do, however, recognize that Arnold’s testimony could have led the jury to infer that she was Hall’s parole officer and that Hall had a criminal record. Any potential prejudice arising from such an inference is properly analyzed under Evid. R. 403(A). This rule requires the exclusion of

relevant evidence when “its probative value is substantially outweighed by the danger of unfair prejudice, of confusion of the issues, or of misleading the jury.” Evid.R. 403(A).

{¶ 65} In this case, Arnold’s testimony regarding Hall’s phone number was highly probative to identifying Hall as the shooter. Hall’s phone number allowed officers to use his cellphone location data to place him in the area of the shooting on the night in question. Hall’s phone number also linked him to his Facebook account, which provided records of several incriminating statements made by him and his family members. Additionally, Arnold’s observation of a Jaguar parked at Hall’s last known address that matched the color, year, and model of the vehicle involved in the shooting was highly probative. Arnold saw the Jaguar in early November 2022, just before the November 25, 2022 incident. Arnold’s testimony helped link Hall to the Jaguar involved in the incident.

{¶ 66} In addition to being highly probative, Arnold’s testimony was not unfairly prejudicial. The State elicited Arnold’s testimony in a manner that limited its capacity for any unduly prejudicial impact. The State never asked Arnold to explain how or why she was familiar with Hall, whether Hall was on parole, or if Hall had a criminal background. Instead, the State’s examination of Arnold primarily focused on her knowledge of Hall’s phone number and the Jaguar. Accordingly, we cannot conclude that the probative value of Arnold’s testimony was outweighed by the danger of unfair prejudice, confusion of the issues, or of misleading the jury.

{¶ 67} Because Evid.R. 404(B) was not implicated by Arnold’s testimony and because Arnold’s testimony did not need to be excluded under Evid.R. 403(A), we cannot say that the trial court’s decision to allow Arnold’s testimony amounts to plain error.

Detective Jordan's Testimony About the "Rifle Case"

{¶ 68} Hall argues that after Detective Jordan described the black nylon bag as a “rifle case,” the trial court gave an insufficient curative instruction. Halls adds that the detective’s description was so prejudicial that the trial court should have declared a mistrial. Significantly, Hall never objected to the sufficiency of the curative instruction and thus waived all but plain error for appeal. Again, to find plain error, there must have been an obvious error and a reasonable probability that the error affected the outcome of trial. *McAlpin*, 2022-Ohio-1567, at ¶ 66.

{¶ 69} The trial court’s curative instruction gave the following directive to the jury immediately after Jordan described the black nylon bag as a rifle case:

Any reference by Detective Jordan that this, what the property was located in, is a rifle bag, you are to disregard. It is a bag. It’s your determination to determine what the bag is and what the significance of that bag is. So I would at this time instruct you to disregard the conclusions that were made by Detective Jordan; and I would ask the witness if any further questions are asked, just to refer to it as a bag and – as a bag and not identifying it further as a rifle bag or a firearm bag. That is a determination for the jury to decide.

Tr. 599.

{¶ 70} “We generally presume that a jury will follow the trial court’s limiting instructions concerning the evidence that may be considered and for what purpose, as well as curative instructions to disregard testimony.” *State v. Wright*, 2021-Ohio-2133, ¶ 51 (2d Dist.), citing *State v. Green*, 2020-Ohio-5206, ¶ 87 (2d Dist.), and *State v. Ahmed*, 2004-Ohio-4190, ¶ 93. “The presumption that curative instructions remedy a mistake . . . can be rebutted by showing that the evidence could not have been ignored and that serious prejudice likely

occurred.” *Green* at ¶ 87, quoting *State v. McMiller*, 2016-Ohio-5844, ¶ 48 (8th Dist.), citing *United States v. Gonzales-Vazquez*, 219 F.3d 37, 48 (1st Cir. 2000).

{¶ 71} In this case, Hall has failed to show that the jury could not have ignored Jordan’s comment about the “rifle case.” Without this showing, we must presume that the jury followed the trial court’s curative instruction to disregard the comment. Because of this, Hall has failed to demonstrate any error, let alone plain error, with regard to the curative instruction. His argument on that matter is not well taken.

Detective Massie’s Testimony Concerning Hall’s Cellphone Location Data

{¶ 72} Hall claims that the trial court erred by allowing Detective Massie to provide unqualified expert witness testimony regarding Hall’s cellphone location data. “The Rules of Evidence delineates two forms of witness testimony – lay and expert.” *State v. Wells*, 2022-Ohio-30, ¶ 17 (2d Dist.). “The distinction between lay and expert witness opinion testimony is that lay testimony results from a process of reasoning familiar in everyday life, while expert testimony results from a process of reasoning which can be mastered only by specialists in the field.” *Id.*, quoting 28 Ohio Jur.3d, Criminal Law: Procedure, § 1641.

{¶ 73} “A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if: (1) the expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (2) the testimony is based on sufficient facts or data; (3) the testimony is the product of reliable methods and principles; and (4) the expert has reliably applied the methods and principles to the facts of the case.” *Id.* at ¶ 20, citing Evid.R. 702.

{¶ 74} In contrast, “lay witness testimony is limited to opinions or inferences that are: (1) rationally based on the perception of the witness; and (2) helpful to a clear understanding

of the witnesses' testimony or the determination of a fact in question. In other words, a witness must have first-hand knowledge of the subject of his or her testimony and the opinion must be one that a rational person would form based on the observed facts." *Id.* at ¶ 18, citing Evid.R. 701. "It also must help the trier of fact in understanding the testimony of the witness or determining a fact in issue." *Id.*

{¶ 75} "Ohio precedent holds that 'testimony concerning a defendant's cell phone records and the location of cellular towers used by a defendant's phone in relation to locations relevant to the crime constitutes lay opinion testimony that does not require "specialized knowledge, skill, experience, training, or education" regarding cellular networks.'" *State v. Robinson*, 2017-Ohio-8273, ¶ 66 (4th Dist.), quoting *State v. Wilson*, 2017-Ohio-8273, ¶ 30 (8th Dist.), quoting Evid.R. 702(B); *accord Wells*, 2022-Ohio-30 at ¶ 25 (2d Dist.).

{¶ 76} "Trial courts have considerable discretion in admitting the testimony of lay witnesses, and we evaluate the court's decision for abuse of discretion." *Wells* at ¶ 19, citing *Brown v. Burnett*, 2020-Ohio-297, ¶ 65 (2d Dist.). "A trial court abuses its discretion when it makes a decision that is unreasonable, unconscionable, or arbitrary." (Citation omitted.) *State v. Darmond*, 2013-Ohio-966, ¶ 34. It is well-settled that "most instances of abuse of discretion will result in decisions that are simply unreasonable, rather than decisions that are unconscionable or arbitrary." *AAAA Ents., Inc. v. River Place Community Urban Redevelopment Corp.*, 50 Ohio St.3d 157, 161 (1990). "A decision is unreasonable if there is no sound reasoning process that would support that decision." *Id.* "Abuse-of-discretion review is deferential and does not permit an appellate court to simply substitute its judgment for that of the trial court." *Darmond* at ¶ 34, citing *State v. Morris*, 2012-Ohio-2407, ¶ 14.

{¶ 77} In this case, Detective Massie testified that, in response to a search warrant for all records pertaining to Hall's phone number, AT&T provided records that included NELOS data, which provided location information for Hall's cellphone. Massie testified that cellphone providers use NELOS data "to provide a better service to their customers to make sure that the cellular device is getting signal to the towers." Tr. 409. Massie stated that NELOS data provides a location radius and that cellphone users do not have to be active on their phones for their devices to generate NELOS data.

{¶ 78} Hall objected to the foregoing testimony on grounds that it provided expert information for which a proper foundation had not been laid. After the objection, the trial court asked the State to lay a foundation to establish that Massie had sufficient knowledge on the matter for purposes of providing lay witness testimony. The State had Massie testify regarding his experience working with cellphone records and his ability to map longitude and latitude data from cellphone records to find a location radius. Tr. 410-411. Thereafter, Massie testified that he had plotted the cellphone location data from the AT&T records on Google Maps and had determined that Hall's cellphone was in Springfield at the time of the shooting. Tr. 443.

{¶ 79} This court and our sister districts have recognized that a witness may give lay testimony concerning a defendant's cellphone records and the location of cellular towers used by a defendant's phone in relation to locations relevant to a crime. Based on this precedent and our review of Massie's testimony, we find no merit to Hall's claim that Massie provided unqualified expert testimony regarding Hall's cellphone location data.

The ONIC Presentation

{¶ 80} Hall argues that the trial court erred by permitting the State to play the ONIC PowerPoint slideshow at trial and by sending it back to the jury as a trial exhibit. As noted

above, the slideshow set forth a summary of the State's evidence against Hall in an organized, easy to understand format. Some of the presentation slides organized relevant comments from Hall's Facebook group chat with several of his family members from around the time of the shooting. Hall claims that the Facebook chat evidence in the presentation was inadmissible hearsay and that the trial court erred by finding otherwise.

{¶ 81} “[W]e apply an abuse of discretion standard in reviewing a trial court’s hearsay ruling.” *State v. Patton*, 2022-Ohio-3350, ¶ 18 (2d Dist.), citing *State v. McKelton*, 2016-Ohio-5735, ¶ 97. Again, most abuses of discretion “result in decisions that are simply unreasonable.” *AAAA Ents., Inc.*, 50 Ohio St.3d at 161.

{¶ 82} As discussed above, hearsay is “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted in the statement.” Evid.R. 801(C). “A statement is not hearsay if . . . [t]he statement is offered against a party and is . . . the party’s own statement.” Evid.R. 801(D)(2)(a). Any messages that Hall posted on the Facebook group chat were admissible by the State as admissions of a party-opponent and were not hearsay. *See State v. Godfrey*, 2025-Ohio-1575 ¶ 34 (1st Dist.) (text messages and chats created by appellant were admissible under 801(D)(2)(a)).

{¶ 83} A statement is also not hearsay if it “is offered against a party and is . . . a statement by a co-conspirator of a party during the course and in furtherance of the conspiracy upon independent proof of the conspiracy.” Evid.R. 801(D)(2)(e). “Independent proof of conspiracy merely requires that the State present evidence sufficient to raise the inference of conspiracy.” *State v. Croom*, 2013-Ohio-3377, ¶ 66 (2d Dist.), citing *State v. Spires*, 2005-Ohio-4471, ¶ 40 (7th Dist.). “[A] person can be part of a conspiracy, in the general sense of the word, although not convicted of conspiracy in Ohio, when that person

conspires with another individual to commit any crime.” *State v. Trice*, 2008-Ohio-2930, ¶ 16 (8th Dist.).

{¶ 84} “Statements of co-conspirators are not admissible under Evid.R. 801(D)(2)(e) until the proponent of the statement has made a prima facie showing of the existence of the conspiracy by independent proof.” *State v. Hand*, 2006-Ohio-18, ¶ 100, citing *State v. Carter*, 72 Ohio St.3d 545 (1995), paragraph three of the syllabus. “A prima facie case is made out where the evidence introduced is sufficient to support, but not compel, a particular conclusion, and which only furnishes evidence which the jury may consider and weigh, but need not accept.” *Trice* at ¶ 14. “[E]xplicit findings of a conspiracy’s existence need not be made on the record.” *Hand* at ¶ 100, citing *State v. Robb*, 88 Ohio St.3d 59, 70 (2000).

{¶ 85} Here, prior to the State’s presentation of the Facebook group chat comments at trial, it had presented video evidence establishing that several of Hall’s family members were present at the fight that broke out at the Holiday in the City event and that one of his family members was involved in the fight. The video evidence and the testimony of the victim also established that some of Hall’s family members were standing near the shooter when the shooting occurred. The video evidence further showed that a few minutes after the shooting, the family members who had been present at the shooting went to Anastasia Hall’s residence—the same residence where the person dressed exactly like shooter left approximately 20 minutes after the shooting. Notably, Anastasia, one of Hall’s family members, had been at the scene of the shooting. Surveillance video from Anastasia’s residence established that she was with the person dressed like the shooter within 20 minutes of the shooting. The video showed Anastasia watching that person from her doorway as that person went outside to her backyard to grab a black bag. The State also

presented call detail records establishing that Hall had called Anastasia approximately four minutes after the shooting.

{¶ 86} We find that the foregoing evidence sufficiently raised the inference of a conspiracy among Hall's family members. It was not unreasonable that the trial court admitted the Facebook messages of Hall's family members, as they were not hearsay under Evid.R. 801(D)(2)(e). Even if there had not been sufficient evidence to raise the inference of a conspiracy, most of the relevant messages posted by Hall's family members were not hearsay as defined by Evid.R. 801(C). Their statements were not offered for the truth of the matter they asserted. Rather, they were offered as context for Hall's incriminating messages. *State v. Norris*, 2016-Ohio-5729, ¶ 32 (2d Dist.), quoting *State v. Miller*, 2015-Ohio-330, ¶ 17 (1st Dist.) ("text messages sent to the defendant were not hearsay because they were not offered for the truth of the matter asserted, because they 'put in context [defendant's] statements about being angry'"). We do not find that the trial court abused its discretion by admitting the Facebook group chat comments in the ONIC presentation.

{¶ 87} Hall also argues that the ONIC presentation should not have been admitted into evidence because it was highly prejudicial. Hall takes issue with certain conclusory text in the presentation. For example, one of the slides includes a still shot image of the shooting suspect with the heading "Mark Hall" listed above it. According to Hall, presenting such information as fact was highly prejudicial and misleading because the image's identification as Hall was merely what the State wanted the jury to believe. Because a trial court exercises discretion in its decision to exclude or admit evidence, we must determine whether the trial court's admission of the ONIC presentation constituted an abuse of discretion that amounted to prejudicial error. *State v. Keller*, 2016-Ohio-3479, ¶ 13 (2d Dist.), citing *State v. Graham*, 58 Ohio St.2d 350 (1979), and *Morris*, 2012-Ohio-2407 at ¶ 19.

{¶ 88} The record indicates that after Hall objected to the ONIC presentation, the trial court acknowledged that the presentation included conclusory information that law enforcement had developed based on the evidence. The trial court advised the parties that it would give a limiting instruction to the jury on that matter. When the State introduced the ONIC presentation through Conn, the trial court gave the following limiting instruction:

[L]adies and gentlemen, I think that it is important for the Court to remind you at this time what the analyst has just said [about the ONIC presentation]. This information is designed to help you analyze the evidence.

Now, [Conn] said these are judgments; and, again, I remind you, as the jury, that it is ultimately up to you 13 – or you 12 individuals to determine what evidence you’ve been provided, what weight to give that evidence, and it’s up to you to decide. This is geared to helping you make those judgments; but again, you are the only judgment or what matters in this matter. So it’s your judgment of what the evidence was and what the presentation was that you take into consideration. This is just designed to help you.

So I just want to make sure that the jury understands that as we go through this; and, again, I’ll give you your jury instructions that’s going to tell you that you are the sole decider of what the facts were in this case.

Tr. 618.

{¶ 89} After reviewing the limiting instruction, we do not find that the trial court abused its discretion by admitting the ONIC presentation. While we agree that having Hall’s name right above the photograph of the shooter was prejudicial, given the limiting instruction, we find that the prejudicial impact of that part of the presentation and any other parts with conclusory-type information was sufficiently quelled so as not to require overturning the

jury's verdicts. The trial court made it clear to the jurors that they should draw their own conclusions about the evidence and that the information in the presentation was simply there to help them understand the State's case. As previously discussed, "[w]e generally presume that a jury will follow the trial court's limiting instructions concerning the evidence that may be considered and for what purpose." *Wright*, 2021-Ohio-2133 at ¶ 51 (2d Dist.), citing *Green*, 2020-Ohio-5206, at ¶ 87 (2d Dist.), and *Ahmed*, 2004-Ohio-4190, at ¶ 93. No evidence indicates that the jury did not follow the trial court's limiting instruction. Because the instruction lessened the prejudicial impact of the presentation, we find that the trial court did not abuse its discretion in admitting the ONIC presentation.

{¶ 90} Having found no merit to any of the arguments raised under Hall's second assignment of error, his second assignment of error is overruled.

Fourth Assignment of Error

{¶ 91} Under his fourth assignment of error, Hall claims that the trial court erred by imposing consecutive sentences. Although Hall concedes that the trial court made the required statutory findings to impose consecutive sentences, he claims that those findings are not clearly and convincingly supported by the record. We disagree.

{¶ 92} In reviewing felony sentences, this court must apply the standard of review set forth in R.C. 2953.08(G)(2). *State v. Marcum*, 2016-Ohio-1002, ¶ 1, 7. "Under that statute, an appellate court may increase, reduce, or modify a sentence, or it may vacate the sentence and remand for resentencing, only if it clearly and convincingly finds either: (1) the record does not support the sentencing court's findings under certain enumerated statutes (including R.C. 2929.14(C)(4), which addresses consecutive sentences); or (2) the sentence is otherwise contrary to law." *State v. Wells*, 2024-Ohio-4813, ¶ 45 (2d Dist.), citing *Marcum* at ¶ 9 and R.C. 2953.08(G)(2). "Clear and convincing evidence is that measure or degree of

proof which is more than a mere ‘preponderance of the evidence,’ but not to the extent of such certainty as is required ‘beyond a reasonable doubt’ in criminal cases, and which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established.” *Cross v. Ledford*, 161 Ohio St. 469 (1954), paragraph three of the syllabus.

{¶ 93} “Ohio law presumes that a defendant convicted of multiple crimes will serve his sentences concurrently.” *State v. Glover*, 2024-Ohio-5195, ¶ 38, citing R.C. 2929.41(A). However, “trial courts may impose consecutive sentences when a law specifically permits them to do so.” *State v. Barber*, 2025-Ohio-5061, ¶ 51 (2d Dist.), citing *Glover* at ¶ 38. One law that permits the imposition of consecutive sentences is R.C. 2929.14(C)(4). *Glover* at ¶ 38.

{¶ 94} R.C. 2929.14(C)(4) permits consecutive sentences if the trial court finds that: (1) “consecutive service is necessary to protect the public from future crime or to punish the offender”; (2) “consecutive sentences are not disproportionate to the seriousness of the offender’s conduct and to the danger the offender poses to the public”; and (3) one or more of the following three findings is made:

- (a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.
- (b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any

of the courses of conduct adequately reflects the seriousness of the offender's conduct.

- (c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

R.C. 2929.14(C)(4).

{¶ 95} To impose consecutive sentences, “a trial court is required to make the findings mandated by R.C. 2929.14(C)(4) at the sentencing hearing and incorporate its findings into its sentencing entry, but it has no obligation to state reasons to support its findings.” *State v. Bonnell*, 2014-Ohio-3177, syllabus. “[A]s long as the reviewing court can discern that the trial court engaged in the correct analysis and can determine that the record contains evidence to support the findings, consecutive sentences should be upheld.” *Id.* at ¶ 29.

{¶ 96} Under R.C. 2953.08(G)(2), “where a trial court properly makes the findings mandated by R.C. 2929.14(C)(4), an appellate court may not reverse the trial court’s imposition of consecutive sentences unless it first clearly and convincingly finds that the record does not support the trial court’s findings.” *State v. Withrow*, 2016-Ohio-2884, ¶ 38 (2d Dist.). This is a deferential standard of review that prohibits an appellate court from simply substituting its judgment for that of the trial court. *State v. Gwynne*, 2023-Ohio-3851, ¶ 15.

{¶ 97} In this case, Hall does not dispute that the trial court made all the required consecutive-sentence findings at the sentencing hearing and incorporated those findings into the sentencing entry. We note that in addition to making the first two consecutive-sentence findings under R.C. 2929.14(C)(4), the trial court found that “[a]t least two of the

multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of [Hall’s] conduct.” R.C. 2929.14(C)(4)(b). The trial court also found that Hall’s “history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by [him].” R.C. 2929.14(C)(4)(c).

{¶ 98} Upon review, we do not clearly and convincingly find that the record fails to support the trial court’s consecutive-sentence findings. The record indicates that Hall had two prior felonious assault convictions with firearm specifications. The record also indicates that Hall’s convictions in this case stemmed from him firing gunshots during a family event where a large crowd had gathered to celebrate the start of the holiday season. Hall not only injured Griffin by shooting him in the arm, but he also jeopardized the safety of a number of families and young children. Based on our review, we do not clearly and convincingly find that the record fails to support the trial court’s decision to impose consecutive sentences.

{¶ 99} Hall’s fourth assignment of error is overruled.

Conclusion

{¶ 100} Having overruled all four assignments of error raised by Hall, the judgment of the trial court is affirmed.

.....

TUCKER, J., and LEWIS, J., concur.