

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

STATE OF OHIO

Appellee

v.

JANE DOE

Appellant

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C.A. Nos. 30644; 30645

Trial Court Case Nos. 25CRM51;
2025CRM1531

(Criminal Appeal from Municipal Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on August 21, 2026, the judgments of the trial court are 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 send a copy of the court's ruling to each party and note that action on the docket. 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 EPLEY, J., concur.

OPINION
MONTGOMERY C.A. Nos. 30644; 30645

JANE DOE, Appellant, Pro Se
GREGORY JAMES PARKER, Attorney for Appellee

HANSEMAN, J.

{¶ 1} Appellant Jane Doe¹ appeals pro se from two minor-misdemeanor convictions she received in the Dayton Municipal Court after she was found guilty of violating a housing ordinance under section 93.46(E) of the Dayton Revised Code of General Ordinances (“R.C.G.O.”). For the reasons outlined below, the judgments of the trial court are affirmed.

Facts and Course of Proceedings

{¶ 2} On December 20, 2024, and April 30, 2025, the city of Dayton (“the City”) issued Doe minor-misdemeanor citations for violating R.C.G.O. 93.46(E). R.C.G.O. 93.46(E) is a municipal housing ordinance that requires every owner of a dwelling to be responsible for “[m]aintaining driveways, terrace steps, yard walks, fences, yard cisterns, and all exterior premises free of objects, materials, or conditions which create a health, safety, or fire hazard or which is a public nuisance.” Both of Doe’s citations pertained to the condition of real property located in the City at 1350 West Grand Avenue (“the Property”).

{¶ 3} The citation issued on December 20, 2024, was brought under Dayton M.C. No. 25 CRM 51. Doe failed to appear at her arraignment hearing in that case, and a warrant was issued for her arrest. The April 30, 2025 violation was brought under Dayton M.C. No.

1. Appellant’s true name has been redacted because she is part of Ohio’s Safe at Home program, which protects individuals who have experienced domestic violence, sexual assault, human trafficking, rape, sexual battery, or stalking by keeping their personal information confidential.

25 CRM 1531. Doe apparently learned of the December 20 violation when she appeared at her arraignment hearing for the April 30 violation.

{¶ 4} In Case No. 25 CRM 1531, the trial court granted Doe three continuances of the arraignment hearing to give her time to correct the cited housing violation. During that time, Doe filed identical pro se motions to suppress and dismiss the charged violation in both cases. In Case No. 25 CRM 1531, Doe filed a second motion to suppress and dismiss, which included photographs of the Property that purportedly showed the housing violation had been corrected.

{¶ 5} On July 23, 2025, Doe was arraigned in both cases and pled not guilty to each of the housing violation charges. She proceeded to file several more pro se motions. In Case No. 25 CRM 51, Doe filed identical motions to dismiss on July 24 and 25, 2025. On July 29, 2025, the trial court issued a short entry indicating that it had held a hearing on the motion to dismiss and that the motion had been denied.

{¶ 6} On July 25, 2025, in Case No. 25 CRM 1531, Doe filed an amended motion to suppress and dismiss. Five days later, the trial court issued an entry indicating that it had held a hearing on Doe's motion to dismiss and that the motion had been denied. On the same day, the trial court issued a separate entry indicating that it had held a hearing on Doe's motion to suppress, which the trial court denied as well. In that entry, the trial court explained that Doe had sought to suppress all evidence on grounds that the City had violated her Fourth Amendment Rights by trespassing on the Property. The trial court explained that its findings of fact and reasons for denying the motion were not reduced to writing but that they had been orally stated on the record at the hearing.

{¶ 7} On August 4, 2025, Doe filed a second motion to suppress in Case No. 2025 CRM 51, in which she raised the same arguments that she had raised in her suppression

motions in Case No. 25 CRM 1531. On August 13, 2025, the trial court held a hearing on Doe's motion, which the trial court denied. In its entry denying the motion, the trial court indicated that the various issues raised in the motion were meritless. The trial court also indicated that it had found the City's witness, James Ward, to be credible, and that Ward's testimony regarding the December 20 citation was undisputed. The trial court further indicated that its findings of fact and conclusions of law were made orally on the record at the hearing.

{¶ 8} Doe attempted to appeal from the trial court's decision denying her motion to suppress in both cases, but this court dismissed the appeals for want of a final appealable order. Following the dismissal of Doe's appeals, the trial court scheduled the matter for trial. Doe's trial was continued for medical reasons, and it went forward on October 1, 2025.

{¶ 9} At the start of trial, Doe agreed to have her two cases consolidated for the proceeding. The parties also made several trial stipulations. The parties stipulated that Doe owned the Property and was the proper defendant in both cases. The parties also stipulated to nine photographs being admitted as joint exhibits. The first six exhibits, Joint Exhibits 1A through 1F, were photographs pertaining to the April 30 citation in Case No. 25 CRM 1531. The last three exhibits, Joint Exhibits 2A through 2C, were photographs pertaining to the December 20 citation in Case No. 25 CRM 51. The parties stipulated that the joint exhibits depicted the condition of the Property on the dates in question.

{¶ 10} Following the parties' stipulations, the City presented testimony from its sole witness, James Ward, a conservation specialist for the City who enforces all city ordinances pertaining to housing, lot conditions, and vehicles. Ward testified that he was employed in that capacity on December 20, 2024, and April 30, 2025. Ward explained that on those dates

he had performed neighborhood sweeps in an area known as Southern Dayton View. There he observed trash and debris on the front porch of the Property.

{¶ 11} Ward identified Joint Exhibits 2A through 2C, which depicted the condition of the Property on December 20, 2024. The photographs showed an overflowing trash can, jugs of milk, eggs, cartons, and miscellaneous trash and debris spread out through the driveway of the Property. The photographs also showed miscellaneous wood, rotting pumpkins, buckets of stagnant water, chairs, covers, clothing, and miscellaneous trash and debris scattered in the backyard and on the back porch of the Property.

{¶ 12} Ward also identified Joint Exhibits 1A through 1F, which depicted the condition of the Property on April 30, 2025. The photographs showed trash and debris on the driveway, backyard, back porch, and front of the Property. Specifically, there were pieces of broken furniture, buckets of stagnant water, siding from a house, couch cushions, tires, plastic, miscellaneous wood, and debris scattered around the Property.

{¶ 13} Ward testified that on the dates in question the Property was a public nuisance because garbage and debris on the Property were unsightly and visible from the street and neighboring yards, posing a blight to the community. Ward also testified that the condition of the Property presented a health hazard because the materials being hoarded on the Property could attract disease-ridden rodents and insects. Ward further testified that the condition of the Property could be an attractive nuisance to vagrants, kids, and stray animals.

{¶ 14} Ward stated that he had spoken with Doe and explained to her that he had written citations for the Property on December 20, 2024, and April 30, 2025, because the trash and other miscellaneous items could not exist on the Property. Ward testified that he issued the two citations because Doe had failed to maintain the exterior of the Property as required by R.C.G.O. 93.46(E).

{¶ 15} Doe represented herself throughout the proceedings and testified in her own defense. Doe testified that she was never served with the December 20 citation and did not learn about the citation until July 2025. The City objected on relevance grounds given that the service issue had already been decided when the trial court ruled on her motion to dismiss. The trial court sustained the City's objection.

{¶ 16} Doe's remaining testimony consisted of her complaint about alleged harassment by the City and Ward's alleged scolding of her and his depriving her of a professional mediation. Doe also reiterated her arguments for dismissing the charges, which, again, had already been ruled on by the trial court. Lastly, Doe testified that she had cleaned up the Property and that Ward had refused to come and view the progress she had made. According to Doe, Ward yelled at her when she asked if he was going to take updated photographs.

{¶ 17} Doe submitted five photographs of the Property that were marked as Defendant's Exhibits A through E. The photographs were taken by Doe sometime after the April 30 citation was issued. Doe presented the photographs to show that she had corrected the violation.

{¶ 18} During her closing argument, Doe did not dispute the fact that she had violated the housing code. Instead, Doe argued that the City should have given her a chance to correct the violation, which she claimed she did correct. Doe once again reiterated her arguments for dismissal of the charges. Doe further argued that she felt she had been treated differently than other individuals because the City did not follow up on the progress she had made.

{¶ 19} Following Doe's closing remarks, the trial court found Doe guilty as charged in the citations. In Case No. 25 CRM 51—the case involving the December 20 violation—the

trial court imposed a \$150 fine, suspended the fine, and waived the warrant fee and court costs. In Case No. 25 CRM 1531—the case involving the April 30 violation—the trial court imposed a \$150 fine, suspended \$50 of the fine, and imposed court costs. Accordingly, Doe’s total sentence amounted to a \$100 fine and court costs in Case No. 25 CRM 1531.

{¶ 20} Doe now appeals from the convictions in both of her cases. The appeals have been consolidated for appellate review and Doe has raised 12 assignments of error. For ease of reading and clarity, we address certain assignments of error together.

First and Fourth Assignments of Error

{¶ 21} Under her first assignment of error, Doe claims that the trial court erred by overruling her constitutional rights to be safe in her own home. In so arguing, Doe references the trial court’s denial of her motion to suppress and claims that her Fourth Amendment rights were violated by virtue of the City trespassing on the Property.

{¶ 22} Under her fourth assignment of error, Doe claims that the trial court and the City violated Mont. Co. C.P.R. 4, which pertains to service requirements; Mont. Co. C.P.R. 6 and Civ.R. 16, which pertain to the discovery process; and her Sixth Amendment right “to receive all court documents and evidence.”

{¶ 23} Doe’s first and fourth assignments of error essentially raise the same arguments that Doe raised in her various motions to suppress and dismiss. Therefore, we construe Doe’s first and fourth assignments of error as challenging the trial court’s denial of those motions. In denying the motions, the trial court indicated that its findings of fact and reasons for denying the motions were set forth on the hearing record. That hearing record, though, is not before us.

{¶ 24} Under App.R. 9(B), Doe had a duty to file a written transcript of the trial court proceedings that are necessary to evaluate the trial court’s decision. *Knapp v. Edwards*

Laboratories, 61 Ohio St.2d 197, 199 (1980). “This is necessarily so because an appellant bears the burden of showing error by reference to matters in the record.” *Id.*, citing *State v. Skaggs*, 53 Ohio St.2d 162 (1978). “Without the filing of a transcript (or a statement of the evidence or proceedings under App.R. 9(C) or an agreed statement under App.R. 9(D)), this court has nothing to pass upon and must presume the validity of the trial court’s findings and affirm.” *Matter of A.R.*, 2021-Ohio-2785, ¶ 33 (2d Dist.); *Leal v. Smith*, 2025-Ohio-2467, ¶ 8 (2d Dist.).

{¶ 25} In this case, Doe did not file transcripts of the hearings on her motions to suppress and dismiss, nor did she provide any statement of the evidence. Lacking the record of these hearings, we have no way to evaluate the claims raised under Doe’s first and fourth assignments of error. Accordingly, we must presume the regularity and validity of those proceedings and affirm the trial court’s denial of the motions.

{¶ 26} In any event, with regard to Doe’s Fourth Amendment claim, we note that R.C.G.O. 93.04(A) provides that “the housing inspector in enforcing provisions of the housing code, is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this Code.” According to the ordinance, Ward—who observed trash and debris outside Doe’s residence while driving by during a neighborhood sweep and whose job it was to enforce the housing code—had authority to go on the Property and investigate whether Doe had committed a housing violation. Ward’s authority under the housing ordinance to investigate Doe’s suspected housing violation dismantles her Fourth Amendment claim. Her claim that Ward trespassed on the Property lacks merit.

{¶ 27} For all the foregoing reasons, Doe’s first and fourth assignments of error are overruled.

Second Assignment of Error

{¶ 28} Doe’s second assignment of error claims that the trial court erred by finding her “guilty on criminal charges that don’t exist.” Doe asserts that municipal criminal law should be consistent with the Ohio Revised Code, which does not criminalize the act of having “scrap items on the back yard.” According to Doe, R.C.G.O. 93.46(E) is invalid because it imposes a criminal penalty for an offense that does not exist under state law. We disagree.

{¶ 29} Under the Home Rule Amendment to the Ohio Constitution, “[m]unicipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.” Ohio Const., art. XVIII, § 3. “The Home Rule Amendment provides independent authority to Ohio’s municipalities with regard to local police regulations.” *Dayton v. State*, 2017-Ohio-6909, ¶ 13, citing *Village of West Jefferson v. Robinson*, 1 Ohio St.2d 113, 115 (1965). “Nevertheless, a municipal ordinance must yield to a state statute if ‘(1) the ordinance is an exercise of the police power, rather than of local self-government, (2) the statute is a general law, and (3) the ordinance is in conflict with the statute.’” *Id.*, quoting *Mendenhall v. Akron*, 2008-Ohio-270, ¶ 17.

{¶ 30} To qualify as a general law, a statute must ““(1) be part of a statewide and comprehensive legislative enactment, (2) apply to all parts of the state alike and operate uniformly throughout the state, (3) set forth police, sanitary, or similar regulations, rather than purport only to grant or limit legislative power of a municipal corporation to set forth police, sanitary, or similar regulations, and (4) prescribe a rule of conduct upon citizens generally.”” *Id.* at ¶ 15, quoting *Canton v. State*, 2002-Ohio-2005, syllabus. “If a statute meets

the . . . general-law test, then the statute takes precedence over any conflicting municipal ordinances.” *Id.*

{¶ 31} The Supreme Court of Ohio has recognized that “[n]o real conflict can exist unless the ordinance declares something to be right which the state law declares to be wrong, or vice versa.” (Bracketed text in original.) *Cincinnati v. Baskin*, 2006-Ohio-6422, ¶19, quoting *Village of Struthers v. Sokol*, 108 Ohio St. 263, 268 (1923). It has also recognized that “in order for such a conflict to arise, the state statute must positively permit what the ordinance prohibits, or vice versa, regardless of the extent of state regulation concerning the same object.” *Id.* at ¶ 20, quoting *Cincinnati v. Hoffman*, 31 Ohio St.2d 163, 169 (1972).

{¶ 32} Other than state law pertaining to obligations of landlords, see R.C. 5321.04, there is no state statute that universally imposes maintenance obligations on property owners. R.C. 715.44 empowers municipal corporations to “[a]bate any nuisance and prosecute in any court of competent jurisdiction, any person who creates, continues, contributes to, or suffers such nuisance to exist”; however, this provision grants municipalities enforcement power—it does not impose a statewide affirmative maintenance obligation.

{¶ 33} The absence of a “general law” pertaining to property maintenance does not equate to a conflict with the maintenance requirements set forth under R.C.G.O. 93.46(E). Rather, when considering the Home Rule Amendment and R.C. 715.44, the absence of such a general law indicates that the General Assembly intended to have municipalities regulate such matters. See *generally Baskin* at ¶ 24. Therefore R.C.G.O. 93.46(E), which makes failing to maintain the exterior of one’s property a minor misdemeanor if it creates a public nuisance or a health, safety, or fire hazard, is a valid mechanism for the City to exercise its

powers of local self-government. Again, the Home Rule Amendment provides municipalities with the “broadest possible powers of self-government in connection with all matters which are strictly local and do not impinge upon matters which are of a state-wide nature or interest.” *State ex rel. Morrison v. Beck Energy Corp.*, 2015-Ohio-485, ¶ 14, quoting *State ex rel. Hackley v. Edmonds*, 150 Ohio St. 203, 212 (1948).

{¶ 34} Doe’s second assignment of error is overruled.

Third Assignment of Error

{¶ 35} Under her third assignment of error, Doe claims that her trial stipulations were made as a result of intimidation by the trial court and the city prosecutor. She argues that her stipulation regarding the photographs were not made “by free will.” We disagree.

{¶ 36} “A stipulation is a voluntary agreement between parties regarding undisputed facts.” *Gardner v. Das*, 2024-Ohio-2429, ¶ 15 (10th Dist.) “A stipulation may also be defined as a voluntary agreement, admission, or concession made by the parties or their attorneys concerning disposition of some relevant point in order to eliminate the need for proof or to narrow the range of issues to be litigated.” *Wilson v. Harvey*, 2005-Ohio-5722, ¶ 12 (8th Dist.). “[S]tipulations made by the accused . . . during the course of a criminal trial are binding and enforceable.” *State v. Turner*, 2005-Ohio-1938, ¶ 41, quoting *State v. Post*, 32 Ohio St.3d 380, 393 (1987); *State v. Folk*, 74 Ohio App.3d 468, 471 (2d Dist. 1991).

{¶ 37} In this case, there is nothing in the record supporting Doe’s claim that her stipulations were made as the result of intimidation. The record indicates that the trial court did nothing more than ask Doe if she was willing to make the stipulations for the purpose of narrowing the issues for trial. The record also indicates that Doe agreed to all the stipulations without question.

{¶ 38} Doe’s third assignment of error is overruled.

Fifth and Seventh Assignments of Error

{¶ 39} Under her fifth assignment of error, Doe claims that she “was deprived of a professional mediation, because of prejudice, and racist practice by Building Inspector Mr. Ward, and Mr. Garry.” Under her seventh assignment of error, Doe simply contends that Ward was “biased, prejudiced.” We construe these arguments as claiming that Ward and a fellow housing inspector were biased, prejudiced, and racist against her.

{¶ 40} With regard to Doe’s claim of being denied a “professional mediation,” she takes issue with being prosecuted for the housing violation even though she allegedly corrected the violation and showed photographs of the remediation to Ward and a fellow housing inspector. Doe, a white woman, asserts that Ward dismisses housing violation charges for black individuals when they correct violations and that he is biased and racist, because he did not dismiss her housing violation charges after she had cleaned up the Property.

{¶ 41} Doe’s claim relies on a blanket assertion about Ward that is not supported by any evidence in the record. In addition, the record contradicts Doe’s claim that Ward had failed to consider her remediation of the housing violation. Ward testified that when he made a follow-up visit to the Property, Doe was “in the process of possibly cleaning up some areas.” Tr. 30. Ward also testified that, during the follow-up visit, he explained to Doe that he had issued her citations because the items on the Property “could not exist on her lot, yard, and premises.” *Id.* Ward’s testimony indicated that Doe had not yet cleaned up the Property when he made his follow-up visit.

{¶ 42} Although Doe presented her own photographs showing the Property in a cleaned-up state, she could not specify when the photographs were taken. Doe simply claimed that the photographs were taken sometime after the April 30 citation. Moreover,

there is nothing in the record indicating that Ward or any other housing inspector targeted the Property because of Doe's race or because of any bias or prejudice against her. Instead, the evidence establishes that Ward observed trash and debris on the Property while conducting neighborhood sweeps and that Doe had not corrected the violation when Ward made his follow-up visit.

{¶ 43} Doe additionally claims that Ward is biased and racist because he had a "sudden loss of memory" when he testified that he could not remember what specific areas of the Property he had photographed when he returned to take follow-up pictures after the April 30 citation. We, however, fail to see how that testimony demonstrates bias or racism.

{¶ 44} For all the foregoing reasons, Doe's claim of bias, prejudice, and racism by Ward and his fellow housing inspector lacks merit.

{¶ 45} Doe's fifth and seventh assignments of error are overruled.

Sixth and Ninth Assignments of Error

{¶ 46} Under her sixth assignment of error, Doe claims that the trial court and the City violated her Sixth Amendment right to question the prosecutor's witness. Under her ninth assignment of error, Doe claims that through "excessive interruption" the trial court and City violated her right to testify under the Sixth and Fourteenth Amendments.

{¶ 47} We construe Doe's argument concerning her examination of the prosecutor's witness to allege a Confrontation Clause violation. "The Confrontation Clause of the Sixth Amendment to the United States Constitution gives the accused the right to be confronted with the witnesses against him [or her]." *State v. Lang*, 2011-Ohio-4215, ¶ 83. To sustain a Confrontation Clause violation, the defendant must demonstrate that he or she "was 'prohibited from engaging in otherwise appropriate cross-examination'" and that a reasonable trier of fact "might have received a significantly different impression of [the

witness's] credibility had [the defendant's counsel] been permitted to pursue their proposed line of cross-examination.” (Bracketed text in original.) *State v. Warmus*, 2011-Ohio-5827, ¶ 64 (8th Dist.), quoting *Delaware v. Van Arsdall*, 475 U.S. 673, 680 (1986). “A defendant cannot claim that he was denied the right to confront his accuser when he has had the opportunity to cross-examine his accuser at trial.” *State v. McConnell*, 2019-Ohio-2838, ¶ 55 (2d Dist.), citing *State v. Wickline*, 50 Ohio St.3d 114,118 (1990). Moreover, “[a] defendant has no Sixth Amendment right to confront a witness with irrelevant evidence” and “[i]t is within the sound discretion of a trial court to determine the relevancy of evidence.” *State v. Leslie*, 14 Ohio App.3d 343, 346 (2d Dist. 1984), citing *Logan v. Marshall*, 540 F.Supp. 3 (N.D. Ohio 1981).

{¶ 48} In this case, the record indicates that Doe had the opportunity to cross-examine the City's sole witness, Ward. Doe's cross-examination of Ward was occasionally interrupted by the City objecting to the relevancy of her questions. The trial court also stepped in to help Doe present her exhibits and reframe some of her questions so that Ward could understand them. But none of those interruptions prohibited Doe from engaging in an appropriate cross-examination of Ward. Accordingly, Doe was not denied her constitutional right of confrontation.

{¶ 49} Doe also claims that the trial court and the City violated her constitutional rights under the Sixth and Fourteenth Amendments by excessively interrupting her testimony and closing argument. “The right to testify on one's own behalf at a criminal trial has sources in several provision of the Constitution. It is one of the rights that ‘are essential to due process of law in a fair adversary process.’” *Rock v. Arkansas*, 483 U.S. 44, 51 (1987), quoting *Faretta v. California*, 422 U.S. 806, 819, fn. 15 (1975). It is “found in the Compulsory Process Clause of the Sixth Amendment, which grants a defendant the right to call ‘witnesses in his

favor,' a right that is guaranteed in the criminal courts of the States by the Fourteenth Amendment." *Id.* at 52, quoting *Washington v. Texas*, 388 U.S. 14, 17-19 (1967).

{¶ 50} "Prosecutorial misconduct may so infect a trial with unfairness as to make the resulting conviction a denial of due process." *State v. Smith*, 2002-Ohio-1622, ¶ 11 (10th Dist.), citing *Donnelly v. DeChristoforo*, 416 U.S. 637, 643 (1974). "In order to constitute a due process violation, the prosecutorial misconduct must be of sufficient significance to result in the denial of the defendant's right to a fair trial." *Id.*, citing *Greer v. Miller*, 483 U.S. 756, 765 (1987).

{¶ 51} In this case, the City raised three objections during Doe's testimony and one objection during her closing argument. The first objection was made on relevancy grounds. The trial court sustained the objection because Doe was testifying about matters that had already been ruled on by the trial court. The second objection was made because the City wanted Doe to clarify who she was testifying about, and Doe made the clarification. The third objection pertained to the photographs of the Property taken by Doe. The City claimed that the photographs were irrelevant, because they were taken after the alleged violations. The trial court overruled the objection and permitted Doe to present the photographs for the purpose of showing that she had addressed the violation. As for the single objection made during Doe's closing argument, the City claimed that Doe was commenting on matters that were not testified to during trial. The trial court overruled that objection and allowed Doe to proceed with her argument.

{¶ 52} Upon review, we cannot say that the three objections to Doe's testimony and the single objection to Doe's closing argument violated Doe's right to testify or constituted prosecutorial misconduct that violated her right to due process and a fair trial. The trial court ruled in Doe's favor on half of the objections, and only one of the objections prevented Doe

from providing the information that she sought to introduce. The record also indicates that the trial court did not interrupt Doe's closing argument and only occasionally interrupted Doe's testimony to explain the reasons behind the City's objections and to ask Doe follow-up questions. Under these circumstances, Doe's claim that the trial court and the City violated her Sixth and Fourteenth Amendment rights by excessively interrupting her testimony and closing argument lacks merit.

{¶ 53} Doe's sixth and ninth assignments of error are overruled.

Eighth and Eleventh Assignments of Error

{¶ 54} Under her eighth assignment of error, Doe claims that she was erroneously convicted based on an inconsistent statement by Ward. Under her eleventh assignment of error, Doe claims that the trial court found her guilty "based on a false report by [Ward], and . . . other violations not relevant to this ticket." Because Doe is claiming that the trial court improperly found her guilty of the charged offenses, we construe her arguments as a manifest weight claim.

{¶ 55} "A reviewing court considering a manifest-weight claim 'review[s] the entire record, weighs the evidence and all reasonable inferences, [and] considers the credibility of witnesses.'" (Bracketed text in original.) *State v. Group*, 2002-Ohio-7247, ¶ 77, quoting *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983). "The question for the reviewing court is '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.'" *Id.*, quoting *Martin* at 175. Reversing a conviction under a manifest weight theory "should be exercised only in the exceptional case in which the evidence weighs heavily against the conviction." *Martin* at 175.

{¶ 56} The trial court found Doe guilty of violating R.C.G.O. 93.46(E) in both of her cases. R.C.G.O. 93.46 provides:

Every owner of a dwelling shall be responsible for the provision of all facilities, utilities, services, or conditions required by this chapter for dwelling or rooming units and premises, except where such responsibility is assumed by an operator or occupant by written agreement. Such responsibility shall include, but not be limited to, the following:

. . .

(E) Maintaining driveways, terrace steps, yard walks, fences, yard cisterns, and all exterior premises free of objects, materials, or conditions which create a health, safety, or fire hazard or which is a public nuisance.

{¶ 57} After reviewing the entire record and weighing all the evidence and reasonable inferences, we cannot say that the trial court lost its way or created a manifest miscarriage of justice by finding Doe guilty of violating R.C.G.O. 93.46(E). The trial court's verdict was not based on any inconsistent statement or false report by Ward, but rather on the stipulated photographic evidence that showed the condition of the Property on the dates in question. The photographs show that there was an excessive amount of trash, debris, furniture, clothing, buckets, and scrap materials located on the Property. Given the photographic evidence and Ward's testimony, the weight of the evidence supported the trial court's finding that the condition of the Property created a health, safety, or fire hazard and was a public nuisance. Accordingly, Doe's convictions for violating R.C.G.O. 93.46(E) were not against the manifest weight of the evidence.

{¶ 58} Doe's eighth and eleventh assignments of error are overruled.

Tenth Assignment of Error

{¶ 59} Under her tenth assignment of error, Doe claims that the trial court was prejudiced against her “because of race, disability, [and] ethnicity,” and that the trial court supported “harassment and housing discrimination by the City of Dayton building department employees and Prosecutor.” We construe Doe’s claim as alleging judicial bias on the part of the trial court.

{¶ 60} “It is well settled that a criminal trial before a biased judge is fundamentally unfair and denies a defendant due process of law.” *State v. Graf*, 2022-Ohio-2169, ¶ 15 (2d Dist.), quoting *State v. LaMar*, 2002-Ohio-2128, ¶ 34, citing *Rose v. Clark*, 478 U.S. 570, 577 (1986). “Judicial bias has been described as ‘a hostile feeling or spirit of ill will or undue friendship or favoritism toward one of the litigants or his attorney, with the formation of a fixed anticipatory judgment on the part of the judge, as contradistinguished from an open state of mind which will be governed by the law and the facts.’” *State v. Dean*, 2010-Ohio-5070, ¶ 48, quoting, *State ex rel. Pratt v. Weygandt*, 164 Ohio St. 463 (1956), paragraph four of the syllabus. “In determining whether purported judicial bias resulted in a due process violation, we presume that a judge is unbiased and unprejudiced in the matters over which he or she presides, and the appearance of bias or prejudice must be compelling in order to overcome the presumption.” *Graf* at ¶ 16, quoting *Cleveland v. Goodman*, 2020-Ohio-2713, ¶ 18 (8th Dist.).

{¶ 61} In this case, the record is devoid of any evidence indicating that the trial court discriminated against Doe based on her race, ethnicity, or alleged disability. Doe’s claims of bias stem from her frustration with the trial court’s rulings, but judicial bias cannot be established by unfavorable rulings alone. *State v. Sanders*, 2001-Ohio-189, ¶ 222; *State v. Hughkeith*, 2023-Ohio-1217, ¶ 68 (8th Dist.) (“absent additional indicia of bias, we are unable

to conclude that the trial court’s evidentiary rulings amounted to ‘deep-seated antagonism’ merely because the rulings were unfavorable to [defendant]”). Therefore, Doe has not overcome the presumption that the trial court acted without bias or prejudice.

{¶ 62} Doe’s tenth assignment of error is overruled.

Twelfth Assignment of Error

{¶ 63} Under her twelfth assignment of error, Doe claims that the trial court judge, prosecutor, Ward, and Ward’s fellow inspector, “Mr. Garry,” all had an “economic interest in [her] Property.” Under the Ohio Code of Judicial Conduct, “[a] judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.” Jud.Cond.R. 1.3. Also, a lawyer is prohibited from continuing his or her representation if “there is a substantial risk that the lawyer’s ability to consider, recommend, or carry out an appropriate course of action . . . will be materially limited by . . . the lawyer’s own personal interests.” Prof.Cond.R. 1.7(a)(2) and (b). Here, the record is devoid of any evidence supporting Doe’s claim that the aforementioned parties had an economic interest in the Property. Doe’s economic-interest claim is meritless.

{¶ 64} Doe’s twelfth assignment of error is overruled.

Conclusion

{¶ 65} Having overruled all of Doe’s assignments of error, the judgments of the trial court are affirmed.

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TUCKER, J., and EPLEY, J., concur.