

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

STATE OF OHIO

Appellee

v.

WILLIAM A. GREEN

Appellant

:
:
:
:
:
:
:
:
:
:
:

C.A. No. 2026-CA-1

Trial Court Case No. TRD2409774B

(Criminal Appeal from Municipal Court)

**FINAL JUDGMENT ENTRY &
OPINION**

.....

Pursuant to the opinion of this court rendered on September 18, 2026, 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 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,



CHRISTOPHER B. EPLEY, JUDGE

HUFFMAN, J., and HANSEMAN, J., concur.

OPINION
GREENE C.A. No. 2026-CA-1

WILLIAM A. GREEN, Appellant, Pro Se
NOLAN P. MCNAMEE, Attorney for Appellee

EPLEY, J.

{¶ 1} William A. Green appeals from his conviction for driving under financial responsibility law suspension in violation of R.C. 4510.16(A), an unclassified misdemeanor, after a bench trial in the Fairborn Municipal Court. He claims that (1) the trial court erred in conducting a bench trial in the absence of a jury waiver, (2) he was denied the effective assistance of counsel, (3) the court erred in denying his motion to suppress, and (4) his conviction was against the manifest weight of the evidence. For the following reasons, the trial court's judgment is affirmed.

I. Facts and Procedural History

{¶ 2} In the early morning hours of December 28, 2024, Officer Gabe Caudill of the Fairborn Police Department saw Green driving a white Ford Mustang. Soon after, the officer observed the same vehicle parked on a residential street with its passenger-side wheels illegally situated on the grass; Green was walking away from the Mustang. Officer Caudill approached Green about the parking violation. Green's response was argumentative, and when asked, he refused to identify himself. Eventually, the officer learned that Green did not have a valid operator's license and that his license was under a "noncompliance" suspension, meaning a suspension involving financial responsibility.

{¶ 3} Later that day, Green was charged by complaint with driving without a valid license, a first-degree misdemeanor, and driving under a financial responsibility law suspension, an unclassified misdemeanor, in Fairborn M.C. No. TRD2409774. Two days

later, in Fairborn M.C. No. CRB 2401456, the State charged Green with failure to disclose personal information, a fourth-degree misdemeanor, and an open container violation, a minor misdemeanor, both arising from the same December 28, 2024 incident. Green demanded a jury trial in both cases.

{¶ 4} Green sought and received leave to file a delayed motion to suppress. After a hearing, the trial court overruled the motion, concluding that Green's parking on the grass provided reasonable suspicion for Officer Caudill to believe that Green had committed a criminal parking violation. The trial court also concluded that the duration of the stop was reasonable due to Green's behavior, particularly his refusal to provide identifying information. Green, with different counsel, sought reconsideration of the suppression ruling, but the request was denied.

{¶ 5} On Green's motion, the trial court dismissed the failure to disclose personal information charge in Case No. CRB 2401456. The court later granted the State's motion to dismiss the charge of driving without a valid license in Case No. TRD 2409774 and the open container violation in Case No. CRB 2401456. With only the driving under a financial responsibility law suspension charge remaining, the trial court determined that Green no longer had a right to a jury trial.

{¶ 6} The matter proceeded to a bench trial on December 17, 2025. The State called Officer Caudill as its sole witness. No witnesses testified on Green's behalf. At the conclusion of the trial, the trial court found Green guilty and proceeded immediately to sentencing. It imposed a \$100 fine and court costs.

{¶ 7} Green appeals from his conviction, raising four assignments of error.

II. Bench Trial

{¶ 8} In his first assignment of error, Green claims that the trial court erred in holding a bench trial in the absence of a written jury waiver. He states that he had requested a jury trial and never executed a knowing, voluntary, and written waiver of his right to a jury trial.

{¶ 9} In general, a criminal defendant has a right to a jury trial. See U.S. Const., amend. VI; Ohio Const., art. I, § 5, 10; R.C. 2945.17(A). However, that right is not without limits. *Mentor v. Giordano*, 9 Ohio St.2d 140 (1967), paragraph one of the syllabus (“The guarantee of a jury trial in criminal cases contained in the state and federal Constitutions is not an absolute and unrestricted right in Ohio with respect to misdemeanors . . .”).

{¶ 10} Under R.C. 2945.17(B), there is no right to a jury trial where (1) the violation of a statute or ordinance is a minor misdemeanor or (2) the penalty for the violation does not include the possibility of a prison or jail term and the possible fine does not exceed \$1,000. We have long held that “R.C. 2945.17 does not offend the Sixth Amendment guarantee of trial by jury as authoritatively interpreted by the Supreme Court.” *State v. Walters*, 1999 WL 959234, *1 (2d Dist. Aug. 6, 1999), citing *Duncan v. Louisiana*, 391 U.S. 145 (1968), and *Baldwin v. New York*, 399 U.S. 66 (1970).

{¶ 11} Green was charged with driving under a financial responsibility law suspension as an unclassified misdemeanor (if certain enhancing elements exist, the offense is a fourth-degree misdemeanor. R.C. 4510.16(D)(2)). When a violation of R.C. 4510.16(A) is an unclassified misdemeanor, the trial court may not impose a jail term or a community residential sanction. R.C. 4510.16(D)(1). The offender may be fined up to \$1,000 and ordered to serve up to 500 hours of community service. *Id.*

{¶ 12} Because Green could not have been sentenced to a jail term and did not face a fine exceeding \$1,000, the exclusion set forth in R.C. 2945.17(B)(2) applied, and he was

not entitled to a jury trial. *Accord State v. Eytcheson*, 2018-Ohio-2036, ¶ 12-13 (2d Dist.). Consequently, the trial court did not err in holding a bench trial, despite Green's previous request for a jury trial. Green's first assignment of error is overruled.

III. Ineffective Assistance of Counsel

{¶ 13} In his second assignment of error, Green claims that his trial counsel rendered ineffective assistance by failing to object to the lack of a jury trial and by refusing to file motions or to meaningfully advocate on his behalf.

{¶ 14} To establish ineffective assistance of counsel, a defendant must demonstrate both that (1) counsel's conduct was deficient and (2) counsel's deficient performance prejudiced the defendant. *Strickland v. Washington*, 466 U.S. 668 (1984); *State v. Lloyd*, 2022-Ohio-4259, ¶ 15. Counsel's performance is deficient if it falls below an objective standard of reasonableness. *Strickland* at 687; *Lloyd* at ¶ 16. "[A] court must indulge in a strong presumption that the challenged action might be considered sound trial strategy. Thus, judicial scrutiny of counsel's performance must be highly deferential." *State v. Bird*, 81 Ohio St.3d 582, 585 (1998).

{¶ 15} The second prong requires a showing that the errors were serious enough to create a reasonable probability that, but for the errors, the outcome of the case would have been different. *Strickland* at 694; *Lloyd* at ¶ 18. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland* at 694.

{¶ 16} In this case, we find nothing to suggest that defense counsel rendered ineffective assistance. Because Green was not entitled to a jury trial on the charge of driving under a financial responsibility law suspension, counsel did not act deficiently by failing to object to the bench trial. Moreover, Green has not otherwise identified any motions that counsel should have filed, how counsel's advocacy was deficient, or how he (Green) was

prejudiced. No deficient performance is apparent from the record. Accordingly, Green's second assignment of error is overruled.

IV. Motion to Suppress

{¶ 17} Green's third assignment of error claims that the trial court erred in denying his motion to suppress.

{¶ 18} An appeal from a ruling on a motion to suppress presents a mixed question of fact and law. *State v. Ojezua*, 2016-Ohio-2659, ¶ 15 (2d Dist.). When considering a motion to suppress, the trial court takes on the role of trier of fact and is in the best position to resolve factual questions and assess the credibility of witnesses. *State v. Turner*, 2015-Ohio-4612, ¶ 10 (2d Dist.). As a result, we must accept the trial court's factual findings if they are supported by competent and credible evidence. *Id.*; *State v. Hale*, 2024-Ohio-4866, ¶ 12. "Accepting these facts as true, the appellate court must then independently determine, without deference to the conclusion of the trial court, whether the facts satisfy the applicable legal standard." *State v. Koon*, 2015-Ohio-1326, ¶ 13 (2d Dist.). The trial court's application of law to the findings of fact is subject to a de novo standard of review. *State v. Shepherd*, 2021-Ohio-4230, ¶ 10 (2d Dist.).

{¶ 19} According to the evidence at the suppression hearing, at approximately 2:55 a.m. on December 28, 2024, Officer Caudill was stopped on the exit ramp from Interstate 675 at the intersection with East Dayton-Yellow Springs Road when he observed a 2001 white Ford Mustang pass in front of him, traveling westbound. The Mustang's driver was male, had facial hair, and was wearing a black hat; there were no passengers. Caudill ran the registration for the Mustang and learned that the car was registered to a woman who lived on Ironwood Drive.

{¶ 20} Caudill turned onto Dayton-Yellow Springs Road and drove behind the Mustang. The Mustang turned onto Faculty Drive, at which point the officer continued on and followed another vehicle. But Caudill soon decided to turn around and find the Mustang.

{¶ 21} When Caudill caught up to the Mustang, the vehicle was parked on Faculty Drive with its right-side tires on the grass. Green was on the sidewalk about ten feet away from the vehicle, walking away from it. Caudill recognized Green as the driver. No other individuals were in the area. Believing that Green had violated Fairborn Cod.Ord. 341.04 (manner of parking), the officer initiated an investigatory stop to address the parking violation.

{¶ 22} A two-minute and 51-second excerpt of Caudill's body worn camera video showed that Green was speaking on the phone, apparently with the vehicle's owner, when Caudill approached him. Green immediately asked the officer for his business card, which the officer did not have, but Caudill identified himself. Green stepped away, and Caudill asked him to "come here." Green came closer and asked the officer why he (the officer) was approaching him (Green). Caudill responded that Green could not park his car on the grass.

{¶ 23} Green accused the officer of harassing him and said that he was just waiting for someone to pick him up. Caudill told Green that he had just seen Green driving the car. Green claimed that the officer did not see him doing anything. Caudill repeated that he had seen Green driving and that Green could not park the car in the grass. As Green argued with Caudill, the officer detained him and placed him in handcuffs.

{¶ 24} Caudill testified that he asked Green for his ID and identifying information, but Green did not provide them. Another officer who was familiar with Green later told Caudill who Green was. Caudill then learned that Green had a suspended license, and Green was arrested. At some point, the officer smelled the odor of alcohol coming from Green, but he

did not pursue an OVI investigation. Other officers conducted an inventory search of the Mustang, and the vehicle was towed.

{¶ 25} On appeal, Green first argues that Caudill lacked reasonable suspicion to detain him, considering that he was merely standing on the sidewalk and not committing any offense. We disagree.

{¶ 26} The Fourth Amendment to the United States Constitution protects individuals from unreasonable searches and seizures. *Terry v. Ohio*, 392 U.S. 1 (1968). “The touchstone of the Fourth Amendment is reasonableness.” *Florida v. Jimeno*, 500 U.S. 248, 250 (1991). Whether a stop and/or search is reasonable under the Fourth Amendment depends upon the particular facts and circumstances, viewed objectively by examining the totality of the circumstances. See *State v. Leak*, 2016-Ohio-154, ¶ 14.

{¶ 27} Police officers may briefly stop and temporarily detain individuals to investigate possible criminal activity if the officers have a reasonable, articulable suspicion that criminal activity has occurred, is occurring, or is about to occur. *Terry*; *State v. Mays*, 2008-Ohio-4539, ¶ 7-8. Reasonable suspicion of any criminal offense, even a minor traffic-related offense, is sufficient to justify an investigatory detention. *State v. Fleming*, 2022-Ohio-1876, ¶ 12 (2d Dist.). Notably, we have held that an officer had probable cause to stop an individual after observing the individual’s parked vehicle facing the wrong way on the street, a parking violation. *State v. Nevins*, 1997 WL 231198, *3 (2d Dist. May 9, 1997); see also *State v. Jones*, 2009-Ohio-5701, ¶ 32 (8th Dist.) (“The fact that it was a parking violation, and not a traffic violation, is a distinction without a difference.”).

{¶ 28} Not all parking violations are criminal offenses. R.C. 4521.02(A) permits local authorities to decriminalize parking violations, but that statutory procedure is permissive.

State v. Short, 2007-Ohio-3166, ¶ 2 (2d Dist.). “A local authority is not required to use that statute to establish a noncriminal method of enforcing parking violations.” *Id.*

{¶ 29} We find no indication that Fairborn has elected to decriminalize its parking ordinances. Of relevance here, a violation of Fairborn Cod.Ord. 341.04 is a misdemeanor, punishable by a fine of either \$10 (if reported to the police department within 48 hours) or \$15 (if reported after 48 hours). Fairborn Cod.Ord. 341.99(a). A plain reading of Fairborn Cod.Ord. 341.99 reflects that a violation of Fairborn Cod.Ord. 341.04 is a criminal offense. *Accord Warren v. Hill*, 2004-Ohio-6946, ¶ 21 (11th Dist.).

{¶ 30} In this case, Officer Caudill saw Green driving the Mustang along Dayton-Yellow Springs Road shortly before locating the vehicle on Faculty Drive. The officer recognized Green as the driver and saw him standing a short distance away from the vehicle. Upon seeing the passenger-side wheels on the grass, the officer could have reasonably believed that Green had parked the Mustang partially on the grass in violation of a Fairborn parking ordinance. Having a reasonable suspicion that Green committed a criminal parking violation, Caudill lawfully detained Green to address the violation.

{¶ 31} Moreover, we agree with the trial court that the duration of Green’s detention was reasonable. The duration of a *Terry* stop is determined by the purpose for which it was initiated, and the detention may not last longer than is necessary to accomplish that purpose. *See Rodriguez v. United States*, 575 U.S. 348, 354 (2015) (addressing whether officers had unlawfully prolonged a traffic stop); *State v. Cook*, 65 Ohio St.3d 516, 521 (1992). The reasonableness of the detention “depends on what the police in fact do,” and the officer’s diligence is measured “by noting what the officer actually did and how he did it.” *State v. Hall*, 2017-Ohio-2682, ¶ 13 (2d Dist.), quoting *Rodriguez* at 357. An officer may not prolong

a *Terry* stop even if the “overall duration of the stop remains reasonable in relation to the duration of other stops involving similar circumstances.” *Id.*, quoting *Rodriguez* at 357.

{¶ 32} “[I]t is well established that an officer may ask a suspect to identify himself in the course of a *Terry* stop.” *Hiibel v. Sixth Judicial Dist. Court of Nevada, Humboldt Cty.*, 542 U.S. 177, 187 (2004). During a brief investigatory stop, “an officer can ask for identification or sufficient information to write a citation or to run a background check for outstanding warrants, often called a ‘field investigation.’” *State v. Millerton*, 2015-Ohio-34, ¶ 23 (2d Dist.). An officer is entitled to ask questions to confirm or dispel his or her suspicions that criminal activity occurred. *Id.* at ¶ 23. “[A]n officer who has properly executed a traffic stop may make ordinary inquiries necessary to complete the mission of the traffic stop—including confirming that the driver has a valid driver’s license.” *State v. Dunlap*, 2024-Ohio-4821, ¶ 2, citing *Rodriguez* at 355; see *Kettering v. Maston*, 2018-Ohio-1948, ¶ 17 (2d Dist.).

{¶ 33} Once Officer Caudill lawfully detained Green, he was entitled to ask for Green’s identification. Although Caudill did not conduct a traffic stop (Green was already outside of the vehicle), it was reasonable for him to ascertain whether Green had a valid license and any outstanding warrants. Green’s unwillingness to provide identifying information prolonged the encounter. Further, Caudill learned that Green’s license was suspended, providing additional bases for investigation.

{¶ 34} Finally, Green contends that officers attempted to access the vehicle without lawful authority and then conducted an inventory search and towed the vehicle without a valid basis, as the car was on private property and posed no hazard. Green did not challenge the inventory search and towing of the Mustang in the trial court, and he cannot raise that issue for the first time on appeal. Moreover, Green has not identified any evidence that was

obtained during the search of the vehicle that was relevant to his conviction. Accordingly, any error would have been harmless.

{¶ 35} Green's third assignment of error is overruled.

V. Manifest Weight of the Evidence

{¶ 36} In his fourth assignment of error, Green claims that his conviction was against the manifest weight of the evidence. He argues that Officer Caudill's testimony was inconsistent and was contradicted by the body camera evidence.

{¶ 37} "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." *State v. Wilson*, 2009-Ohio-525, ¶ 12 (2d Dist.). When reviewing an argument challenging the weight of the evidence, an appellate court "must defer to the fact-finder's witness-credibility determinations" and may not substitute its view for that of the trier of fact. *State v. Reillo*, Slip Opinion No. 2026-Ohio-2701, ¶ 38. Rather, we review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of witnesses, and determine whether, in resolving conflicts in the evidence, the finder 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. *State v. Thompkins*, 1997-Ohio-52, ¶ 25, quoting *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983).

{¶ 38} "Ordinarily, courts must have conflicting evidence to conduct a manifest-weight review." *Reillo* at ¶ 30. In the absence of conflicting evidence, an appellate court may nevertheless conclude that the fact-finder lost its way when there is "internally contradictory testimony as to material facts, direct impeachment, or fantastical testimony clearly undermines a witness's credibility on a cold record." *Id.* at ¶ 31. "Mere inconsistencies" are insufficient to overcome the deference afforded to the fact-finder's credibility determinations.

Id. at ¶ 32. “In weighing the evidence, the court of appeals must always be mindful of the presumption in favor of the finder of fact.” *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 21. A judgment of conviction should be reversed as being against the manifest weight of the evidence only in exceptional circumstances. *Martin* at 175.

{¶ 39} Officer Caudill was the State’s sole witness at trial, and he testified similarly to his suppression hearing testimony. He described seeing the Mustang and its driver as it drove past him as he waited at the traffic light at the Interstate 675 off-ramp, running the Mustang’s registration while he drove behind it, and what he saw when he located the Mustang on Faculty Drive. Caudill testified that the Mustang’s passenger-side wheels were “up over the curb, fully in the grass area,” and that Green was walking away from the vehicle, approximately 20 to 30 feet from the Mustang. Caudill again said that Green was the individual he had seen driving the Mustang and that he believed that Green had violated Fairborn Cod.Ord. 314.04, a parking violation. The officer stated that he detained Green after he smelled an odor of an alcoholic beverage on Green and Green refused to identify himself.

{¶ 40} After Caudill detained Green, Green requested a supervisor. Caudill immediately asked his supervisor to come to the scene. Caudill then took Green to the front of his cruiser and patted him down. Another officer was able to find prior interactions with the registered owner of the Mustang; those interactions had also involved Green and the reports included Green’s photograph. From that information, Caudill identified the driver of the Mustang as Green.

{¶ 41} After learning Green’s identity, Caudill ran Green’s information through the LEADS (Law Enforcement Automated Data System) database. Green’s driving record showed that he had a “noncompliance” suspension and that his driver’s license was not

valid. Caudill cited Green for driving without a valid license and driving under a noncompliance suspension and arrested him. He located the keys to the Mustang in Green's pocket. Caudill gave the keys to another officer, who provided them to the tow truck driver when the Mustang was towed.

{¶ 42} The same excerpt of Caudill's body camera video that was presented at the motion to suppress hearing was played at trial. The State also introduced an uncertified copy of Green's driving record.

{¶ 43} Considering the evidence at trial, we cannot conclude that Green's conviction was against the manifest weight of the evidence. Green did not offer any evidence to contradict Caudill's testimony. Moreover, we cannot conclude that Caudill's testimony was internally contradictory as to material facts, was impeached, or was so fantastical that his credibility was clearly undermined. Accordingly, Green's fourth assignment of error is overruled.

VI. Conclusion

{¶ 44} The trial court's judgment is affirmed.

.....

HUFFMAN, J., and HANSEMAN, J., concur.