

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

STATE OF OHIO

Appellee

v.

REYZHON A. DOMINGO

Appellant

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C.A. No. 2025-CA-45

Trial Court Case No. 25 CR 78

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on October 23, 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,



ROBERT G. HANSEMAN, JUDGE

LEWIS, P.J., and EPLEY, J., concur.

OPINION
MIAMI C.A. No. 2025-CA-45

LUCAS W. WILDER, Attorney for Appellant
MATTHEW C. JOSEPH, Attorney for Appellee

HANSEMAN, J.

{¶ 1} Reyzhon A. Domingo appeals from his convictions in the Miami County Common Pleas Court of aggravated burglary, aggravated robbery, and disrupting public services, with associated firearm specifications, following a jury trial. For the following reasons, the judgment of the trial court is affirmed.

I. Facts and Course of Proceedings

{¶ 2} Domingo dated S.R. from approximately January 2025 to March 2025. Domingo lived around the corner from S.R., who leased an apartment at 505 Crescent Drive in Troy, Ohio, and lived with her adult son, D.V.

{¶ 3} According to S.R.'s testimony at trial, on March 6, 2025, she had broken up with Domingo and told him in a phone call on March 8, 2025, to leave her alone. About an hour after that call, while S.R. was in the kitchen washing dishes, Domingo walked into her apartment without knocking. S.R. heard Domingo's voice in the living room area demanding D.V.'s cellphone and yelling, "Where's that bitch?" S.R. moved towards her refrigerator to see down a hallway, and she saw Domingo holding a firearm. She exited the apartment from a rear door and called 911 from outside.

{¶ 4} According to D.V.'s testimony at trial, on March 8, 2025, Domingo walked into the apartment via the front screen door. The door had been closed but unlocked, and Domingo opened the door and entered without knocking. When Domingo entered the living room, he had his gun out. Domingo pointed the gun at D.V.'s head near his temple and

demanded D.V.'s cellphone. Domingo demanded D.V.'s cellphone and threatened to shoot him for it. Domingo also asked D.V. where S.R. was and referred to her as a "bitch." D.V. tossed his cellphone toward Domingo, got up from the couch, and exited the apartment to call 911 from a neighbor's apartment.

{¶ 5} Officers were immediately dispatched to the apartment and observed Domingo on scene in the front outside area. Officers arrested Domingo and located D.V.'s cellphone in Domingo's rear pants pocket. In Domingo's jacket pocket, officers located a loaded 9 mm Glock 19 with one round in the chamber. They found an additional magazine in the other pocket.

{¶ 6} After Domingo's arrest on March 8, 2025, he was indicted for aggravated burglary, a first-degree felony, aggravated robbery, a first-degree felony, and disrupting public services, a fourth-degree felony. Each charge carried a three-year firearm specification. At Domingo's arraignment on April 7, 2025, he had counsel, pleaded not guilty, and requested that his case be set for a pretrial conference. The court set the pretrial for April 21, 2025. On April 21, the court set the case for a scheduling conference, and the trial was scheduled for June 10, 2025.

{¶ 7} Domingo remained incarcerated and was not held in jail on any other matters. On June 9, 2025, he filed a motion to dismiss, claiming a speedy trial violation. Also on June 9, 2025, counsel for Domingo filed a motion to withdraw based on a conflict of interest. The trial court appointed new counsel and separately filed a June 25, 2025 decision overruling Domingo's motion to dismiss. The trial court determined that 78 days of Domingo's speedy trial had run between his arrest and his June 9, 2025 motion. The trial court concluded that during that timeframe, Domingo's speedy trial time was tolled between his arraignment and his pretrial because he had requested the pretrial at his arraignment.

By local court rule, the arraignment judge would have set the case for a pretrial without Domingo's request.

{¶ 8} Domingo's trial began on October 29, 2025. Besides the testimony of S.R. and D.V., two law enforcement officers testified. The State admitted photographs and recorded jail phone calls by Domingo to his sister and to S.R. Domingo also testified.

{¶ 9} In his testimony, Domingo stated that he believed he was on good terms with S.R. on March 8, 2025. He stated that he would normally just walk through the front door whenever he visited S.R. and that no one had ever told him to do otherwise. According to Domingo's version of events, he went to S.R.'s residence on March 8, 2025, for a ride to Kroger. When he got inside the apartment, it was dark, and he looked around for S.R. After not seeing her, he walked through the hallway where he encountered a male wearing a hooded sweatshirt pulled up over his head who was holding what appeared to be a gun. Domingo pulled out his gun; however, after approaching the male, Domingo realized the male was D.V. At that point, Domingo put his firearm away. D.V. began arguing with Domingo, and they both agreed to call 911. D.V. handed Domingo his cellphone to make the call and then exited the apartment. The cellphone would not turn on or was locked, so Domingo could not place the call. Domingo left the apartment and was arrested outside by law enforcement officers.

{¶ 10} The jury returned guilty verdicts on all charges and specifications. The trial court subsequently sentenced Domingo to a mandatory minimum prison term of three years up to maximum term of four and a half years for aggravated burglary, three years for aggravated robbery, and twelve months for disrupting public services. The court ordered the sentences for aggravated robbery and disrupting public services to run concurrently with the aggravated burglary sentence.

{¶ 11} The trial court imposed separate three-year prison terms for the three firearm specifications. It ordered two of the terms to run consecutively with one another and consecutive to the aggravated burglary term. The sentence on the third three-year firearm specification was ordered to run concurrently with the sentences on the other two specifications. Domingo timely appealed, and he raises three assignments of error:

1. The trial court erred in overruling Domingo's motion to dismiss on speedy trial grounds.
2. The verdict was not supported with the sufficiency of the evidence or the weight of the evidence.
3. The trial court erred in sentencing Domingo to two gun specifications.

II. First Assignment of Error – Speedy Trial

{¶ 12} In his first assignment of error, Domingo claims that the trial court erred in overruling his motion to dismiss on speedy trial grounds. Appellate review of a speedy trial claim involves a mixed question of law and fact. We therefore defer to the trial court's factual findings if they are supported by competent, credible evidence, but we review the application of the law to those facts de novo. *State v. Long*, 2020-Ohio-5363, ¶ 15.

{¶ 13} The right to a speedy trial is guaranteed by the Sixth Amendment to the United States Constitution and Article I, Section 10 of the Ohio Constitution. "Ohio's speedy trial statute, R.C. 2945.71, was implemented to incorporate the constitutional protection of the right to a speedy trial." *State v. Wood*, 2024-Ohio-5597, ¶ 22 (2d Dist.), citing *Brecksville v. Cook*, 75 Ohio St.3d 53, 55 (1996). Ohio's statutory speedy trial provisions are mandatory and must be strictly adhered to by the State. *State v. Cross*, 26 Ohio St.2d 270 (1971), paragraph one of the syllabus. It is axiomatic that the State must bring a felony defendant to trial within 270 days after his arrest. R.C. 2945.71(C)(2). If a defendant is held in jail in lieu

of bail on the pending charge, each day in jail is counted as three days pursuant to the “triple-count” provision of R.C. 2945.71(E). Under the triple-count provision, when a defendant charged with a felony remains incarcerated throughout his or her entire case, the defendant must be tried within 90 days. *State v. Butcher*, 27 Ohio St.3d 28 (1986).

{¶ 14} The defendant carries the initial burden of establishing a prima facie case for a speedy trial violation. “A defendant establishes a prima facie speedy trial violation when his motion reveals that a trial did not occur within the time period prescribed by R.C. 2945.71.” *Butcher* at 31. In this case, there is no dispute that Domingo was arrested on March 8, 2025, that he was incarcerated during the entire pendency of his criminal case, and that he was not held for any other reason. The State concedes in its brief that when Domingo filed his motion to dismiss based on a speedy trial violation on June 9, 2025, 90 days had lapsed. Therefore, Domingo has met his initial burden.

{¶ 15} Having met his initial burden, the burden then shifts to the State to demonstrate that Domingo’s speedy trial was tolled pursuant to one of the enumerated exceptions in R.C. 2945.72. *Butcher*, 27 Ohio St.3d at 31. “Because the General Assembly recognized that some degree of flexibility is necessary, it allowed for extensions of the time limits for bringing an accused to trial in certain circumstances.” *State v. Ramey*, 2012-Ohio-2904, ¶ 24, citing *State v. Lee*, 48 Ohio St.2d 208, 209 (1976). “Accordingly, R.C. 2945.72 contains an exhaustive list of events and circumstances that extend the time within which a defendant must be brought to trial.” *Id.* “In addition to meticulously delineating the tolling events, the General Assembly jealously guarded its judgment as to the reasonableness of delay by providing that time in which to bring an accused to trial ‘may be extended only by’ the events enumerated in R.C. 2945.72(A) through (I).” *Id.* “These extensions are to be strictly

construed, and not liberalized in favor of the state.” *Id.*, quoting *State v. Singer*, 50 Ohio St.2d 103, 109 (1977).

{¶ 16} Of relevance to this appeal, the State asserts that the exception in R.C. 2945.72(H) tolled Domingo’s speedy trial time. R.C. 2945.72 provides: “The time within which an accused must be brought to trial, or, in the case of felony, to preliminary hearing and trial, may be extended only by the following: . . . (H) The period of any continuance granted on the accused’s own motion, and the period of any reasonable continuance granted other than upon the accused’s own motion.”

{¶ 17} Here, the State specifically asserts (as the trial court found) that the time between Domingo’s arraignment (April 7, 2025) and pretrial conference (April 21, 2025) was tolled on Domingo’s motion for a pretrial. Regarding this exception, Domingo argues that the trial court erred when it tolled the time between his arraignment and pretrial. Based on this error, Domingo contends that his motion to dismiss should have been granted and that he was entitled to discharge. The State disagrees and contends that the trial court properly tolled Domingo’s speedy trial time between his arraignment and pretrial.

{¶ 18} Domingo is correct that, as a general rule, a defendant’s request for a pretrial conference does not “automatically extend” the speedy trial time constraints of R.C. 2945.71. *State v. Cruea*, 2005-Ohio-4731, ¶ 10 (2d Dist.), citing *State v. Gowe*, 13 Ohio App.3d 358 (9th Dist. 1983), syllabus. However, our prior precedent has repeatedly held that “the time between a request [for a pretrial conference] and the pretrial conference will be tolled where the record shows that the pretrial was granted at the defendant’s own request and there is nothing facially unreasonable about the time taken to provide the pretrial.” *Id.*; *State v. Cosby*, 1993 WL 169119 (2d Dist. 1993); *State v. Lebaroff*, 1987 WL 16217 (2d Dist. 1987); *State v. Parker*, 1985 WL 6947 (2d Dist. 1985). *But see State v. Reuschling*, 30 Ohio App.3d

81 (11th Dist. 1986), syllabus (“A pretrial conference, held pursuant to the defendant’s request, does not, ipso facto, extend the time for trial under R.C. 2945.71.”).

{¶ 19} It is only where the defendant does not request the pretrial conference at arraignment and the trial court schedules it sua sponte that we have held that the time between the arraignment and the pretrial conference is not tolled. *State v. Kemper*, 2025-Ohio-4481 (2d Dist.).

{¶ 20} The record is clear from Domingo’s arraignment that upon entering his not guilty pleas to each count of the indictment, his counsel stated, “We . . . request the matter to be set for a pretrial conference and request to be heard on bond.” Here, the record is clear that Domingo requested the pretrial at his arraignment on April 7, 2025 and that the pretrial was held on April 21, 2025—a 14-day period.

{¶ 21} Domingo cites the Miami County Common Pleas Court Local Rules, which require the judge handling the arraignments to set the case for a pretrial. Miami C.P. Loc.R. Rule 10.01(D). According to Domingo, even if he had not requested a pretrial, the court was going to schedule one, and therefore, he contends that his speedy trial time should not have been tolled. Nevertheless, Domingo still requested the pretrial. Under our precedent, his speedy trial time was tolled for 14 days.

{¶ 22} In computing Domingo’s speedy trial time, we calculate, as the trial court did, the number of days from the day after Domingo’s arrest (March 9, 2025) up to the filing of his motion to dismiss (June 9, 2025), and subtract the 14 days that were tolled between his arraignment and the pretrial conference. This yields a total count of 78 days for speedy trial purposes. Therefore, there was no speedy trial violation.

{¶ 23} Even if we were to conclude that Domingo’s speedy trial time was not tolled for 14 days and we compute Domingo’s speedy trial time as 92 days on June 9, 2025, when

he filed his motion, under R.C. 2945.73, Domingo was not entitled to discharge. Additionally, when Domingo filed his motion to dismiss, his counsel filed a separate motion to withdraw due to a conflict of interest. There is no dispute that upon the filing of that motion, time was then again tolled until the court appointed new counsel to Domingo's case.

{¶ 24} R.C. 2945.73(C)(2) provides a 14-day grace period for trial after the 270-day period (or the 90-day period when the triple count provision applies), not an automatic dismissal. R.C. 2945.73(C)(2) states that “[u]pon motion made at or before the commencement of trial, but not sooner than fourteen days before the day the person would become eligible for release pursuant to division (C)(1) of this section, the charges shall be dismissed with prejudice unless the person is brought to trial on those charges within fourteen days after the motion is filed and served on the prosecuting attorney.”

{¶ 25} At the time Domingo filed his motion to dismiss on June 9, 2025, Domingo was not automatically entitled to a discharge, and the State still had a 14-day grace period to try his case. “Only if the defendant’s case is not tried within that 14-day grace period are the defendant’s criminal charges to be dismissed with prejudice.” *State v. Knott*, 2024-Ohio-2289, ¶ 49 (2d Dist.). Therefore, there was no speedy trial violation, and Domingo’s first assignment of error is overruled.

III. Second Assignment of Error – Sufficiency and Manifest Weight

{¶ 26} In his second assignment of error, Domingo claims that his convictions for aggravated burglary, aggravated robbery, and disrupting public services are based on insufficient evidence and against the manifest weight of the evidence.

{¶ 27} “When a defendant challenges the sufficiency of the evidence, [he] is arguing that the State presented inadequate evidence on an element of the offense to sustain the verdict as a matter of law.” *State v. Humphreys*, 2026-Ohio-373, ¶ 54 (2d Dist.), quoting

State v. Matthews, 2018-Ohio-2424, ¶ 7 (2d Dist.). “An appellate court’s function when reviewing the sufficiency of the evidence to support a criminal conviction is to examine the evidence admitted at trial to determine whether such evidence, if believed, would convince the average mind of the defendant’s guilt beyond a reasonable doubt. The relevant inquiry is whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.” *Matthews* at ¶ 7, quoting *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus. “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.” *State v. Dennis*, 79 Ohio St.3d 421, 430 (1997), citing *Jenks* at 273.

{¶ 28} By 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.” *Humphreys* at ¶ 55, quoting *State v. Wilson*, 2009-Ohio-525, ¶ 12 (2d Dist.), citing *State v. Hufnagle*, 1996 WL 501470 (2d Dist. Sept. 6, 1996). “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.’” *State v. Anderson*, 2024-Ohio-2003, ¶ 14 (2d Dist.), quoting *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997).

{¶ 29} “If the evidence is susceptible of more than one construction, the reviewing court is bound to give it that interpretation which is consistent with the verdict and judgment, most favorable to sustaining the verdict and judgment.” (Cleaned up.) *State v. Reillo*, Slip Opinion No. 2026-Ohio-2701, ¶ 28. “An appellate court sits as the thirteenth juror [and may

reverse the fact-finder's determination] when [the] evidence contradicts a fact-finder's findings, or when a witness's testimony is so inconsistent as to material facts, so impeached, or so fantastical as to make it patently unbelievable." *Id.* at ¶ 3, citing *State v. Martin*, 2022-Ohio-4175, ¶ 26. As the *Reillo* Court recently explained, to reverse a conviction based on a manifest weight of the evidence challenge, the evidence must demonstrate "something more than a mere inconsistency." *Id.* at ¶ 32. Only in exceptional circumstances will a judgment of conviction be reversed as being against the manifest weight of the evidence. *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983).

{¶ 30} Domingo challenges the sufficiency and manifest weight of the evidence for each of his convictions of aggravated burglary, aggravated robbery, and disrupting public services with associated firearm specifications.

{¶ 31} The aggravated burglary statute provides: "(A) No person, by force, stealth, or deception, shall trespass in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, when another person other than an accomplice of the offender is present, with purpose to commit in the structure or in the separately secured or separately occupied portion of the structure any criminal offense, if . . . (2) The offender has a deadly weapon or dangerous ordnance on or about the offender's person or under the offender's control." R.C. 2911.11.

{¶ 32} Domingo contends that the evidence established that he had permission to go to S.R.'s residence on March 8, 2025, and that he did not use force to gain entry because he had always entered without knocking first on multiple past occasions. Although Domingo testified that he would always enter S.R.'s residence by just walking through the front door without knocking first, according to S.R.'s testimony, circumstances had changed. She had broken off her relationship with Domingo approximately two days before March 8, 2025, and

told him earlier on March 8 to “leave her alone.” S.R. also testified that Domingo was not invited or welcome and that he did not knock first before he entered the apartment through the unlocked, closed front screen door. D.V.’s testimony was consistent with S.R.’s.

{¶ 33} Here, there is sufficient evidence to support the jury’s conclusion on the element of force to support the aggravated burglary conviction. “In Ohio, [even] opening a closed but unlocked door amounts to sufficient force to prove the element of force in the offense of [b]urglary.” *State v. McWilliams*, 2001-Ohio-1452, *3 (2d Dist.); *Goins v. State*, 90 Ohio St. 176 (1914), syllabus (“Where, any force, however slight, is required to effect an entrance into a building through a doorway partly open, such act constitutes a forcible breaking.”); *State v. Johnson*, 2017-Ohio-5498, ¶ 21, 22 (2d Dist.) (opening an unlocked door and entering is force). There is also sufficient evidence to conclude that Domingo trespassed by not having been invited over by S.R. before he arrived or not having been invited inside the apartment by S.R. once he walked through the door. “Trespass” occurs when a “person, without privilege to do so, . . . [k]nowingly enter[s] or remain[s] on the land or premises of another.” R.C. 2911.21(A)(1); *State v. Perry*, 2015-Ohio-2181, ¶ 27 (2d Dist.).

{¶ 34} The aggravated robbery statute provides: “(A) No person, in attempting or committing a theft offense, as defined in section 2913.01 of the Revised Code, or in fleeing immediately after the attempt or offense, shall . . . (1) Have a deadly weapon on or about the offender’s person or under the offender’s control and either display the weapon, brandish it, indicate that the offender possesses it, or use it.” R.C. 2911.01.

{¶ 35} The relevant underlying theft offense was that Domingo, “with purpose to deprive the owner of property or services, knowingly obtain[ed] or exert[ed] control over either the property or services . . . (1) [w]ithout the consent of the owner or person authorized to give consent; (2) [b]eyond the scope of the express or implied consent of the owner or

person authorized to give consent; (3) [b]y deception; (4) [b]y threat; [or] (5) [b]y intimidation.” R.C. 2913.02(A).

{¶ 36} Domingo claims that there is no proof of his motive for taking D.V.’s cellphone and that there is insufficient evidence on the “purpose to deprive” element for the commission of the theft. Motive does not need to be established by the State for any crime. *See State v. Lancaster*, 167 Ohio St. 391 (1958), syllabus (“Motive is not an element of the crime of murder and need not be established to warrant a conviction; proof of motive does not establish guilt, nor does want of proof thereof establish innocence; and, where the guilt of the accused is shown beyond a reasonable doubt, it is immaterial what the motive may have been for the crime, or whether any motive is shown.”).

{¶ 37} The jury heard testimony from D.V. that Domingo pointed a firearm at D.V.’s head and threatened to shoot D.V. if he did not give his cellphone to Domingo. S.R. also testified that she heard Domingo’s voice demanding D.V.’s cellphone. Officers recovered the cellphone from Domingo’s rear pants pocket, along with his own cellphone, and he did not deny having the cellphone. Given these facts, the jury could have reasonably inferred purpose from the surrounding circumstances. *State v. Tucker*, 2017-Ohio-7735, ¶ 36 (10th Dist.). “A person acts purposely when it is the person’s specific intention to cause a certain result.” R.C. 2901.22(A).

{¶ 38} This evidence is also sufficient for a jury to conclude that Domingo “had a firearm on or about [his] person or under [his] control while committing the offense and displayed the firearm, brandished the firearm, indicated that [he] possessed the firearm, or used it to facilitate the offense.” R.C. 2941.145(A). Therefore, the three three-year firearm specifications are supported by sufficient evidence.

{¶ 39} The disrupting public services statute provides: “(A) No person, purposely by any means or knowingly by damaging or tampering with any property, shall . . . (1) Interrupt or impair . . . telephone, telegraph, or other mass communications service . . . being used for public service or emergency communications.” R.C. 2909.04(A)(1). While Domingo contends that there is no evidence that he damaged or tampered with D.V.’s cellphone, the statute is written in the disjunctive, i.e., it prohibits acting “purposely by any means” or “knowingly by damage or tampering.” *State v. Walters*, 2018-Ohio-3456, ¶ 26 (5th Dist.). D.V. testified that he had his cellphone when Domingo pointed a gun at his head and demanded his cellphone. D.V. used a neighbor’s phone to call 911. Domingo had D.V.’s cellphone in his back pocket. There is sufficient evidence for a jury to reasonably conclude that Domingo took the phone with the purpose to impair D.V.’s ability to call 911 while Domingo was in the apartment with a firearm looking for S.R. See *State v. Jackson*, 2019-Ohio-170, ¶ 66 (3d Dist.); *State v. Tajblik*, 2016-Ohio-977, ¶¶ 5-6, 13-14 (6th Dist.) (finding sufficient evidence for a disrupting-public-services conviction where the defendant took victim’s phone and did not allow victim access to it for a period of time).

{¶ 40} Although Domingo testified at trial and provided a different version of the events of March 8, 2025, the jury also heard him admit that he had asked S.R. to tell the State a story so that he could get out of jail. Domingo also admitted that he had lied to police by not telling them that he had pulled his firearm out while in the apartment and that when he had spoken to his sister, he lied to her about what happened. “[T]he trier of fact is in the best position to consider inconsistencies, along with the witnesses’ manner and demeanor, and determine whether the witnesses’ testimony is credible.” *State v. Cantrell*, 2024-Ohio-5406, ¶ 33 (2d Dist.), citing *State v. Petty*, 2012-Ohio-2989, ¶ 38 (10th Dist.), citing *State v. Williams*, 2002-Ohio-4503, ¶ 58 (10th Dist.). “To that end, the fact finder is free to believe

all, part or none of the testimony of each witness appearing before it.” *Id.*, quoting *Petty* at ¶ 38, citing *State v. Raver*, 2003-Ohio-958, ¶ 21 (10th Dist.). “Mere disagreement over the credibility of witnesses is not [a] sufficient reason to reverse a judgment.” *Id.*, quoting *Petty* at ¶ 38, citing *State v. Wilson*, 2007-Ohio-2202, ¶ 24.

{¶ 41} After a review of the entire record, we cannot conclude from the testimony of S.R. and D.V. that their testimony is “so inconsistent as to material facts, so impeached, or so fantastical as to make it patently unbelievable [to] the jury.” *Reillo*, 2026-Ohio-2701, at ¶ 3. The jury had the opportunity to view the witnesses’ testimony and judge their credibility. The jury reasonably concluded that S.R.’s and D.V.’s testimony was credible. Therefore, we conclude that Domingo’s convictions are not against the manifest weight of the evidence. Domingo’s second assignment of error is overruled.

IV. Third Assignment of Error – Sentences on Firearm Specifications

{¶ 42} In his third assignment of error, Domingo claims that his sentence is contrary to law because he was sentenced to consecutive three-year prison terms on the two firearm specifications associated with his aggravated robbery and aggravated burglary offenses.

{¶ 43} Regarding appellate review of a felony sentence, R.C. 2953.08(G)(2) provides that “[t]he appellate court may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing court for resentencing . . . [only] if it clearly and convincingly finds either of the following: (a) That the record does not support the sentencing court’s findings under . . . [specified statutes]; (b) That the sentence is otherwise contrary to law.”

{¶ 44} The term “contrary to law” means “in violation of statute or legal regulations at a given time.” *State v. Jones*, 2020-Ohio-6729, ¶ 34, quoting *Black’s Law Dictionary* (6th Ed. 1990). “A sentence is contrary to law when it falls outside the statutory range for the offense

or if the sentencing court does not consider R.C. 2929.11 and 2929.12.” *State v. Burt*, 2025-Ohio-1758, ¶ 24 (2d Dist.), quoting *State v. Bartley*, 2023-Ohio-2325, ¶ 9 (2d Dist.), citing *State v. Dorsey*, 2021-Ohio-76, ¶ 18 (2d Dist.).

{¶ 45} Generally, a trial court may impose only one prison term on firearm specifications of the type at issue here for felonies committed as part of the same act or transaction. *State v. Beatty*, 2024-Ohio-5684, ¶ 10, citing R.C. 2929.14(B)(1)(b). However, an exception appears in Ohio’s sentencing scheme. R.C. 2929.14(B)(1)(g) instructs:

If an offender is convicted of . . . two or more felonies, if one or more of those felonies are . . . aggravated robbery . . . , and if the offender is convicted of . . . a specification of the type described under division (B)(1)(a) of this section in connection with two or more of the felonies, the sentencing court shall impose on the offender the prison term specified under division (B)(1)(a) of this section for each of the two most serious specifications of which the offender is convicted . . . and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications.

{¶ 46} R.C. 2929.14(B)(1)(a)(ii) requires a “prison term of three years if the specification is of the type described in division (A) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender’s person or under the offender’s control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense.”

{¶ 47} The three-year prison terms for the two firearm specifications must also be served consecutively. R.C. 2929.14(C)(1)(a) provides that “if a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(a) of this section for having a firearm

on or about the offender's person or under the offender's control while committing a felony, . . . the offender shall serve any mandatory prison term imposed under either division [(B)(1)(a) or (B)(1)(c)] consecutively to any other mandatory prison term imposed under either division or under division (B)(1)(d) of this section, consecutively to and prior to any prison term imposed for the underlying felony pursuant to division (A), (B)(2), or (B)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender." R.C. 2929.14(C)(1)(a). "The language in R.C. 2929.14(C)(1)(a) indicates that 'if a court imposes a "mandatory prison term" for a firearm specification, it must be served consecutively to any other "mandatory prison term" imposed for the enumerated specifications and consecutively to the prison term for the underlying felony to which the specification is attached.'" *State v. Bryant*, 2026-Ohio-1674, ¶ 34 (2d Dist.), quoting *Beatty* at ¶ 12.

{¶ 48} In *State v. Bollar*, 2022-Ohio-4370, the Supreme Court of Ohio resolved a conflict in Ohio's sentencing law regarding sentencing on multiple firearm specifications. The *Bollar* Court determined "whether an offender must receive separate prison terms for multiple firearm specifications when the criminal offenses to which those firearm specifications are attached have been merged as allied offenses." *Id.* at ¶ 1. The court answered the question in the affirmative and held that imposing separate prison terms for multiple firearm specifications is required under the plain language of R.C. 2929.14(B)(1)(g). *Id.*

{¶ 49} In his argument, Domingo urges this court to follow the dissenting opinion in *Bollar*. Domingo argues that the dissenting opinion is more consistent with the statutory scheme for sentencing. However, we are not authorized to disregard the majority opinion of

Bollar. See, e.g., *Simon v. Zipperstein*, 32 Ohio St.3d 74, 77 (1987) (“We disapprove of the approach taken by the court of appeals and its refusal to adhere to precedent.”).

{¶ 50} Given Supreme Court of Ohio precedent that we are bound to follow, Domingo’s consecutive sentences for the three-year firearm specifications attached to the aggravated robbery and aggravated burglary offenses are not contrary to law. Therefore, Domingo’s third assignment of error is overruled.

V. Conclusion

{¶ 51} Having overruled all three assignments of error, the judgment of the trial court is affirmed.

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LEWIS, P.J., and EPLEY, J., concur.