

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

STATE OF OHIO

Appellee

v.

JAMES QUINN

Appellant

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C.A. No. 2025-CA-97

Trial Court Case No. 13-CR-0869

(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, and appellant's motions requesting a stay of the appeal or consolidation of the appeal with Clark C.A. No. 2026-CA-0078 are denied.

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 TUCKER, J., concur.

OPINION
CLARK C.A. No. 2025-CA-97

JOHN M. GONZALES and ALANA VAN GUNDY, Attorneys for Appellant
JOHN M. LINTZ, Attorney for Appellee

HANSEMAN, J.

{¶ 1} James Quinn appeals from a judgment of the Clark County Common Pleas Court denying his third petition for postconviction relief. For the reasons outlined below, the judgment of the trial court is affirmed.

Facts and Course of Proceedings

{¶ 2} In March 2014, a jury found Quinn guilty of two counts of domestic violence, two counts of kidnapping, one count of abduction, and one count of intimidation of a victim in a criminal case. After merging the kidnapping and abduction charges, the trial court sentenced Quinn to an aggregate sentence of 20 years in prison.

Quinn I

{¶ 3} In January 2016, this court affirmed Quinn's convictions on direct appeal. *State v. Quinn*, 2016-Ohio-139 (2d Dist.) ("*Quinn I*"). In deciding the appeal, we summarized the facts underlying Quinn's convictions as follows:

The victim, Beverly Quinn, is a 79-year-old woman, the mother of two daughters and two sons, including the defendant, James Quinn. In December 2013, Quinn's girlfriend, Samantha Ferrell, was living with Quinn's mother, Beverly, in her two-bedroom house. At that time, Quinn was under indictment for a domestic violence incident involving his mother; as a condition of bond, he was subject to a no-contact order with his mother. Late in the evening, Beverly was awakened by noise, and found Quinn and Ferrell in her home,

drinking vodka and watching television. Beverly told Quinn he was not allowed to be there and asked Quinn to leave, to turn off the television, and for Samantha to go to her room. Quinn became very angry with his mother, pushed her into a chair, and hit her. When Quinn suggested to Samantha that they take his mother to “mental health,” Samantha suggested that they take Beverly out into the country and dump her. Beverly then ran to her own bedroom, locked the door, and left the house by crawling out of the bedroom window. Beverly went to a neighbor’s house and called the police. During the 911 call, Quinn identifies her son, James Quinn, as the person who has abused her, and states that Quinn left her house driving a white station wagon. Quinn and Samantha left Beverly’s house before the police arrived. The police took photos of Beverly’s bruises and allowed her to return to her own home after they verified it was empty. One of the two officers who spoke with Beverly at this time testified that Beverly was very articulate and said it was her son who had struck her in the face. No charges were filed against Quinn at this time.

According to Beverly’s testimony at trial, several hours later Quinn returned to his mother’s home, without Samantha, forced entrance into his mother’s bedroom, and forced his mother to leave the house with him, threatening to take her to the country and make her jump off a bridge. Beverly described her son as very angry and intoxicated on alcohol and drugs. Beverly left with her son because she felt she had no choice. He drove out into the country, stopped at a bridge and said, “if you don’t jump, I’ll push you.” According to Beverly, Quinn decided he could not do it, and told her that he

wouldn't do anything to her as long as she did not testify against him. Beverly testified at trial that Quinn then drove to Walmart, hitting her in the head numerous times as he was driving. After he left the car, Beverly got out of the car and approached a Walmart employee for help. She told the employee that her son had hurt her and was trying to kill her. The Walmart employee verified this course of events and testified that Beverly was scared, but she knew who she was, where she was, and was not disoriented or confused. The Walmart employee testified that as Beverly was talking to him, a man came up to both of them, grabbed Beverly's arm and complained that she was trying to hurt him. The employee insisted that the man let go and leave the woman alone. A surveillance video of the Walmart parking lot corroborates this testimony, but is taken from too far a distance to identify the man's facial features. The surveillance video shows that Beverly approached the employee, an unidentified man then approached them, and subsequently left in a white station wagon. The employee could not identify Quinn as the person he saw and talked with in the parking lot. Beverly testified at trial that Quinn was driving her car, which she described as a tan sedan, not a white station wagon. No witness identified Quinn as the man depicted in the video in the Walmart parking lot.

The detective who interviewed Beverly at Walmart testified that Beverly identified her son, James Quinn, as the person who attacked her in her home, who forced her into a car, threatened to harm her, and hit her face, causing visible injuries. The detective also testified that during his interview on the scene, Beverly was very emotional, but lucid and articulate about the events

of the evening. Based on this interview, the detective obtained a search warrant. A search of Beverly's home revealed evidence that her bedroom door had been damaged, as a result of being forced open.

Beverly was transported to the hospital by ambulance and treated in the Emergency Room at Springfield Regional Medical Center. The paramedic who transported Beverly testified that she was alert and oriented. The ER Nurse testified that Beverly was oriented and did not appear to suffer from dementia or any other mental defect. The ER Nurse testified that Beverly identified her son as the person who had hit and injured her.

Quinn I at ¶ 3-6.

Quinn II

{¶ 4} While his direct appeal was pending, Quinn filed a pro se motion for a new trial based on newly discovered evidence. The newly discovered evidence comprised three affidavits—one from Quinn and two from his mother, Beverly. In the affidavits, Beverly recanted her trial testimony identifying Quinn as the person who had committed the offenses against her. July 18, 2024 Motion, Exs. 2-3. Quinn averred in his affidavit that he had left Beverly's house on the night in question following an argument with her and that his girlfriend had driven him to a friend's house where he stayed until the next morning. *Id.*, Ex. 1. Quinn also averred that Beverly had told him that she originally thought he was her assailant because of the argument they had before he left her house. *Id.* He further averred that Beverly had told him that she began to remember discussions she had with the attorneys on the case, and that she realized after trial that he could not have been the person who had committed the offenses against her. *Id.* The trial court overruled Quinn's motion for a new trial without holding a hearing. The court found that Quinn's guilt was independently

established by the Walmart surveillance video and that the new evidence in the affidavits did not raise any probability of a different result at trial.

{¶ 5} On appeal, we affirmed the trial court's judgment overruling Quinn's motion for a new trial. *State v. Quinn*, 2016-Ohio-140, ¶ 22-23 (2d Dist.) ("*Quinn II*"). We disagreed with the trial court's conclusion that Quinn's guilt was independently established by the Walmart surveillance video, but we determined that the record "contain[ed] sufficient support for finding that Beverly's testimony at trial was more credible than her post-trial affidavits." *Id.* at ¶ 19. Applying the factors used to assess the credibility of affidavits set forth in *State v. Calhoun*, 86 Ohio St.3d 279, 285 (1999), we determined that "the *Calhoun* factors justify a conclusion that the affidavits filed in support of the motion for a new trial lacked credibility." *Quinn II* at ¶ 21.

Quinn III

{¶ 6} After our decisions in *Quinn I* and *Quinn II*, in April 2016, Quinn filed an application to reopen his appeal in *Quinn I*. In the application, Quinn faulted his appellate counsel for failing to challenge the trial court's rulings on certain challenges for cause that he had raised during voir dire. One of the challenges was to Prospective Juror # 11, a Clark County's Sheriff's Deputy whom Quinn claimed the State knew, or should have known, was involved in his case. On May 11, 2016, we granted Quinn's application to reopen his appeal. Ultimately, we overruled all of Quinn's assignments of error and affirmed the judgment of the trial court. *State v. Quinn*, 2017-Ohio-7000, ¶ 3-19 (2d Dist.) ("*Quinn III* "). In affirming the trial court, we found that the court had not abused its discretion by denying Quinn's challenge for cause pertaining to the deputy, because "Quinn's counsel did not question the Deputy or otherwise attempt to establish that the Deputy would be unable to remain

impartial, meaning that Quinn did not satisfy his burden to demonstrate, through questioning, that the Deputy would be unsuitable for service on his jury.” *Id.* at ¶ 18.

Quinn IV

{¶ 7} In October 2015, the trial court dismissed a pro se petition for postconviction relief filed by Quinn in February 2015. Quinn appealed that decision, and we affirmed the judgment of the trial court. *State v. Quinn*, 2017-Ohio-8107 (2d Dist.) (“*Quinn IV*”).

{¶ 8} In affirming the trial court’s judgment, we found that a majority of Quinn’s assigned errors failed because they were based on information contained in an amended petition for postconviction relief that was not properly before the court. *Id.* at ¶ 32. In the two assigned errors that were properly before the court, Quinn argued that his trial counsel had provided ineffective assistance in various respects and that the State had failed to disclose and preserve exculpatory evidence. *Id.* at ¶ 33.

{¶ 9} For his ineffective assistance argument, Quinn claimed, among other things, that his trial counsel had failed to investigate the vehicle that was used during Beverly’s kidnapping and abduction. *Id.* at ¶ 11, 36. For his exculpatory evidence argument, Quinn claimed that the State had failed to disclose certain reports from the Clark County Sheriff’s Office that favored his case and showed that the State had failed to preserve the vehicle used in the incident. *Id.* at ¶ 31. Quinn claimed that the undisclosed reports established that the vehicle was towed by the police and later destroyed despite it potentially containing exculpatory evidence. *Id.* at ¶ 5.

{¶ 10} Upon review, we found that Quinn’s ineffective assistance claims failed because they were either barred by res judicata or were not supported by an admissible affidavit or any documentary evidence. *Quinn IV*, 2017-Ohio-8107, at ¶ 36 (2d Dist.). We also found that Quinn’s claims pertaining to the alleged exculpatory evidence failed

because they were speculative and not supported by a legally cognizable affidavit. *Id.* at ¶ 37.

Quinn V

{¶ 11} In November 2017, the trial court overruled a second pro se motion for a new trial filed by Quinn in August 2016. Quinn appealed, and we affirmed the judgment of the trial court. *State v. Quinn*, 2018-Ohio-5279, (2d Dist.) (“*Quinn V*”).

{¶ 12} In his second motion for a new trial, Quinn once again claimed that the State had failed to disclose reports from the Clark County Sheriff’s Office. His motion was accompanied by copies of the allegedly undisclosed reports. The reports included a “Uniform Incident Report,” “Tow Log,” “Arrest Report,” and “Detail Call Sheet.” August 3, 2016 Motion, Exhibits 1, 4, 5, and 6.

{¶ 13} The Arrest Report indicated that Quinn was arrested at 2481 Hilltop Avenue on the evening of December 15, 2013. *Id.*, Ex. 5. The Detail Call Sheet indicated that there was a traffic complaint involving a white Hyundai with the license plate AXL2821 located at “Motigo/Derr” and that the vehicle was out of gas and had no keys. *Id.* at Exhibit 6. The Uniform Incident Report was authored by Deputy Brian Melchi, who wrote:

On the above date [December 15, 2013], Dispatch was advised of a vehicle parked at Montego and Tudor Circle, a white Hyundai Elantra, Ohio License Plate AXL2821. This is the suspect vehicle from a domestic violence and abduction case from the Springfield Police Department. The owner of the vehicle is the victim in this case, however the suspect, her son Mr. Quinn was in possession of the vehicle. The vehicle was unoccupied at the time we arrived. A neighbor advised the vehicle had been there since last night. He further stated the driver of the vehicle stated it ran out of gas and he would

return for it later. Springfield Police advised they did not need the vehicle for anything at this time. Due to the way the vehicle was parked, which was part of the way in the roadway at the curve, it was towed due to being a traffic hazard. Maines towing removed the vehicle from the scene, Tow # 13-67777.

Id. at Exhibit 1. The Tow Log indicated that the white Hyundai was towed by Maines Towing on December 15, 2013, at 10:55 a.m. The Tow Log's comments section stated that the vehicle was "TOWED FROM TRITLE TRAIL AND MONTEGO." *Id.* at Exhibit 4. It also stated that the vehicle was "OUT OF GAS" and "A TRAFFIC HAZARD." *Id.* In addition, the Tow Log stated that "THIS CAR WAS CRUSHED ON 3/19/2014." *Id.*

{¶ 14} On appeal, Quinn claimed, among other things, that the State's failure to disclose the aforementioned reports violated *Brady v. Maryland*, 373 U.S. 83 (1963). *Quinn V*, 2018-Ohio-5279, at ¶ 15, 29 (2d Dist.). More specifically, Quinn claimed "that the State denied him due process by failing to disclose law enforcement records regarding where the car was found, towed, and impounded, by failing to properly inventory the car's contents and/or to share any inventory with Quinn's counsel, by denying Quinn's counsel access to the car, and by destroying the car before Quinn's trial." *Id.* at ¶ 29.

{¶ 15} We found that there was "no cognizable evidence in the record establish[ing] that the State failed to provide to Quinn's counsel through discovery the various law enforcement reports referenced in Quinn's arguments." *Id.* at ¶ 31. We stated that "[a]lthough Quinn argues that such records were not produced prior to trial, he has submitted neither his own affidavit nor an affidavit from his trial attorney substantiating that claim." *Id.* In addition, we found that none of the documents were properly authenticated. *Id.* Accordingly, we found the documents were inadmissible as evidence and did not provide proper support for a new trial motion. *Id.*

{¶ 16} We additionally found that Quinn had not “shown that the subject records were favorable to him in a way that would have materially assisted his defense.” *Id.* at ¶ 32.

In reaching that conclusion, we stated:

Although the various documents as produced do combine to show both the location in which the car used for the kidnapping was abandoned on the night of December 14 and the location where Quinn was arrested at 2:15 p.m. the next day,[¹] those facts alone would not support an inference that Quinn was not the driver of the car involved in the kidnapping. Even accepting as true Quinn’s assertion . . . that he “was arrested some five miles from where the car was towed from, and ten hours after the car was towed”. . . , our conclusion would not change. Given the ease with which five miles could be traversed in 10 hours, evidence of the distance between the abandoned car and the site of Quinn’s arrest was not material to the outcome of Quinn’s trial.

Id.

{¶ 17} We further stated:

Quinn implies that disclosure of those documents could have led to the discovery of other admissible evidence “sufficient to establish a reasonable probability of a different result” in his trial. For example, he urges that disclosure of the Uniform Incident Report would have made the defense aware of a potential witness who saw the man who abandoned Beverley’s car, and might have “changed [Quinn’s] mind on whether he should testify himself.” . . . However, as discussed more fully below, given the strength of Beverley’s trial

1. The records show that Quinn was arrested at 2015 hours (8:15 p.m.), not 2:15 p.m. This error does not affect the analysis in *Quinn V.*

testimony identifying her son as her assailant, Quinn has not demonstrated that any information derived from those documents would have materially assisted his defense.

(Footnote omitted.) *Quinn V*, 2018-Ohio-5279, at ¶ 33 (2d Dist.). Based on the foregoing analysis, we concluded that “nothing on the face of those [allegedly undisclosed] documents materially ‘favors’ Quinn.” *Id.*

{¶ 18} In *Quinn V*, Quinn also argued that the State had violated his right to due process by allowing Beverly’s white Hyundai and its contents to be destroyed by the towing company prior to his trial. *Id.* at ¶ 37. He claimed that the vehicle contained materially exculpatory, or at least potentially useful, evidence in the form of fingerprints, as well as a note, cell phone, and jacket that did not belong to Quinn, which may have pointed to a different perpetrator. *Id.* In support of that claim, Quinn offered an affidavit from Michael E. Simms, who described seeing this purportedly exculpatory evidence inside Beverley’s vehicle. *Id.*, citing Affidavit of Mike Simms. Quinn also offered his mother’s affidavit stating that her car “had a strange male coat and telephone in it.” *Id.*, citing Affidavit of Beverley Quinn. In response to these arguments we stated:

[T]o the extent that Quinn claims the destruction of Beverley’s car deprived him of potentially exculpatory fingerprint evidence, we likewise conclude that the trial court did not err by failing to grant a new trial on that basis. The possibility that fingerprints of the alternative perpetrator Quinn proposes might have been left in the car is not “newly discovered” evidence. See Crim.R. 33(A)(6). Additionally, because the presence of other fingerprints is merely a possibility, not a certainty, any fingerprint evidence would be “potentially useful,” not “materially exculpatory.” See [*State v. Cox*, 2013-Ohio-

4941, ¶ 88 (2d Dist.)). Accordingly, the State's destruction of any such evidence would constitute a violation only if done in bad faith. *See id.*

The record before us would not support a finding that the State acted in bad faith with respect to the destruction of Beverley's car. It appears that the car was "crushed" at the instance of the towing company, not the State (see Trial Court Docket # 77, Exh. 4), and that such action was taken only because Beverley failed to retrieve her vehicle from impound in a timely manner. (See *id.*, Exh. 2 & Exh. 21 [5/4/16 Affidavit of Beverley Quinn].) Moreover, in light of Beverley's identification of her son as her assailant, the State reasonably could have concluded that gathering evidence from Beverley's car was unnecessary in order to prosecute the case. Given those circumstances, no bad faith can be imputed to the State. Quinn's inability to present any fingerprint evidence that might have been obtainable from the car is not valid grounds for a new trial under Crim.R. 33. Quinn's assignment of error based on the destruction of the car is overruled.

Quinn V at ¶ 43-44.

{¶ 19} Quinn further argued in *Quinn V* that his rights to due process and a fair trial were violated because Deputy Melchi, the law enforcement officer who prepared the allegedly undisclosed Uniform Incident Report, was a member of the venire from which Quinn's jury was chosen. *Id.* at ¶ 47. In response to this argument, we found that Quinn did not produce an authenticated copy of the Uniform Incident Report. *Id.* at ¶ 48. We also found that no cognizable evidence before us established that the State did not produce the report to Quinn's attorney or established when Quinn otherwise became aware of the document. *Id.* We additionally found that "even assuming that Quinn was unavoidably prevented from

discovering that Melchi had been involved in the towing of Beverly's car, Quinn has not demonstrated that Melchi's tangential involvement in the case combined with his presence in the jury pool denied Quinn due process or a fair trial." *Id.* We found that "[a]ccepted at face value, that report would show that Deputy Melchi had some knowledge of a reported domestic violence and abduction incident involving Quinn, Quinn's mother, and her car, but was not further involved in the investigation of that incident by a different law enforcement agency." *Id.* at ¶ 49. In addition, we noted that we previously determined in *Quinn III*, 2017-Ohio-7000 (2d Dist.), that Quinn failed to establish that Melchi should have been removed for cause and that his argument on that matter was barred by res judicata. *Id.* at ¶ 54.

Quinn VI

{¶ 20} In 2019, Quinn initiated a habeas corpus action in federal district court, which resulted in that court ordering the production of a CD containing the evidence that the State had produced in discovery for Quinn's jury trial. *State v. Quinn*, 2022-Ohio-214, ¶ 6 (2d Dist.) ("*Quinn VI*"). The evidence CD confirmed that the State's discovery materials did not include the Uniform Incident Report or the Tow Log that Quinn cited in his prior appeals. *Id.* Armed with proof of the State's failure to disclose those reports, in July 2020, Quinn filed several pro se motions in the trial court reasserting his nondisclosure of evidence claims—a third motion for a new trial, a second petition for postconviction relief, and a Civ.R. 60(B) motion for relief from judgment. *Id.* He also filed a memorandum with exhibits attempting to show that he was unavoidably prevented from discovering the documents in question. *Id.* The trial court, however, overruled all of Quinn's motions and denied his petition for postconviction relief on grounds that the issues he raised were either barred by res judicata or moot. *Id.* Quinn then appealed the trial court's decision. *Id.* at ¶ 7.

{¶ 21} On appeal, most of Quinn’s claims concerned the State’s pretrial failure to disclose the Uniform Incident Report and Tow Log. *Id.* at ¶ 11. Quinn also claimed that his trial counsel provided ineffective assistance by failing to investigate the issues. *Id.* at ¶ 8-9. Quinn further claimed that the State’s pretrial discovery materials included an “Interoffice Communication” from the Springfield Police Division that contained false information. *Id.* The relevant portion of the Interoffice Communication stated:

Today at approx. 1017 hrs, Officers Hobbs, Click, and Martin responded to 1176 Old Farm Lane on report of a deputy seeing James Edward Quinn’s vehicle at this location (13-58765). Upon arriving at the house where the 2000 Hyundai station wagon white (AXL2821) was parked, they discovered the front door not secure. It appeared to have been unlocked. The house was searched for James Quinn with no luck.

{¶ 22} Quinn pointed out that the information in the “Interoffice Communication” indicating that the white Hyundai was found at 1176 Old Farm Lane (Beverly’s residence) was inconsistent with the information in the undisclosed Uniform Incident Report and Tow Log, which stated that the vehicle had been found abandoned at “Montego.” Quinn believed it was significant that the undisclosed reports established that the vehicle was found and towed from a different location—a location that was not Beverly’s residence or the location where he was arrested. Quinn also once again took issue with the vehicle’s destruction and the denial of an opportunity for him to collect any evidence from it. Quinn suggested that the information in the Uniform Incident Report and Tow Log pertaining to the vehicle was material to his defense because, according to him, the vehicle was the only thing that connected him to the offenses in question.

{¶ 23} In response to Quinn’s arguments, this court found that “it is clear from the record that Quinn has known about and at times had a copy of the Uniform Incident Report and Tow Log since at least 2016 and probably since 2015.” *Quinn VI*, 2022-Ohio-214, at ¶ 12 (2d Dist.). We also found that “in his appeal in *Quinn III* . . . , Quinn raised issues regarding the pretrial failure to produce Clark County Sheriff documents.” *Id.*, citing *Quinn III*, 2017-Ohio-7000, at ¶ 14 (2d Dist.). We further found that the issues pertaining to the Uniform Incident Report and Tow Log were raised in *Quinn V*, where we found that “evidence of the distance between the abandoned car and the site of Quinn’s arrest was not material to the outcome of Quinn’s trial.” *Id.* at ¶ 13, quoting *Quinn V*, 2018-Ohio-5279, at ¶ 32 (2d Dist.). Accordingly, we found that we had “already addressed the issues surrounding the Uniform Incident Report and Tow Log.” *Id.* at ¶ 16.

{¶ 24} In reaching that conclusion, we reiterated our decision in *Quinn V* where we found that the undisclosed reports would not have materially helped Quinn’s defense. *Id.* at ¶ 13. We noted that “[e]ven accepting Quinn’s assertion about the facts”—i.e., that he was arrested five miles away from the vehicle and that the vehicle was found 10 hours later—“the location of the car used for the kidnapping described in the Sheriff’s records vis-à-vis where Quinn was arrested ‘would not support an inference that Quinn was not the driver of the car involved in the kidnapping.’” *Id.*, quoting *Quinn V* at ¶ 32. We also referenced the “strength of Beverly’s trial testimony identifying [Quinn] as her assailant.” *Id.* at ¶ 14, quoting *Quinn V* at ¶ 33. We found that Quinn’s production of evidence of the State’s failure to disclose the Uniform Incident Report and Tow Log did not mean that he could reraise claims regarding that failure after this court had already reviewed those claims and determined that they lacked merit. *Id.* at ¶ 16-18.

{¶ 25} With regard to the inconsistencies in the Interoffice Communication, we found that Quinn could have raised that matter in *Quinn V. Id.* at ¶ 15. We also found that Quinn’s ineffective assistance claims had already been asserted in *Quinn V. Id.* Therefore, we concluded that all of the material issues and arguments raised in Quinn’s pro se motions and petition for postconviction relief were barred by res judicata because they either were or could have been raised in *Quinn V. Id.* at ¶ 18.

Facts Pertaining to the Current Appeal

{¶ 26} Two years after our decision in *Quinn VI*, Quinn filed a third petition for postconviction relief in the trial court on April 1, 2024. In the petition, Quinn claimed that in April 2023, he discovered yet another undisclosed police report after requesting the Springfield Police Division to provide him with all the reports related to his case. Quinn attached the report at issue to his petition, which is entitled “Internal Maintenance,” and it contains several abbreviated dispatch notes from the Springfield Police Division.

{¶ 27} The Internal Maintenance report appears to indicate that at 10:25 a.m. on December 15, 2013, Springfield Police Officers Martin, Hobbs, and Click were dispatched to Beverly’s residence at 1176 Old Farm Lane in response to a call from “MIA ADAMS/NIECE.” April 1, 2024 Petition for Postconviction Relief, Exhibit 1. The nature of the call is listed as “JAMES QUINN IS SUPPOSED TO BE.” *Id.* Under the heading “Additional Information,” the report states: “WHITE ELANTRA HATCHBACK ,,,, AZL BEGINNING TAG HE POSS WILL BE GOING 1176 OLD FARM LANE CAR AT MONTICO/DERR.” *Id.*

Under the heading “Dispatch Narrative,” the Internal Maintenance report provides the following notes from 10:21 a.m. to 11:06 a.m.:

ADVISED CCSO [Clark County Sheriff’s Office]

ABDUCTION FELONY DV AND INTIMIDATION

POSS A FEMALE WITH HIM

**** CSCO CALLING SGT JUST SAW THE VEH IT IS

STILL HERE CSCO HAS 3 UNITS IN THE AREA

NO ONE IN THE VEHICLE AT THIS TIME

1 SET OF FOOTPRINTS COMING OUT OF THE WOODS

***CCSO CALLING IN

UNIT 121 E: OLD FARM LN

NABOR ADV THE CAR HAS BEEN HERE OVERNIGHT

IT RAN OUT OF GAS

THE NABOR SAW QUINN WITH A GAS CAN

AND NEVER CAME BACK FOR THE VEH

/// NO OTHER FAMILY MEMBER HAS A KEY

BEVERYS KEYS ARE INSIDE THE HOUSE

THE HOUSE IS CLEAR

THE TRX HAVE BEEN HERE SINCE YESTERDAY

SO advised they would tow the car. Assisted.

722E – CHECKED HOUSE. NO ONE HERE. STOOD BY WHILE

GRANDDAUGHTER REMOVED ITEMS FOR VICTIM.

Id.

{¶ 28} In the 49-page petition for postconviction relief, Quinn presented 25 claims related to the undisclosed Internal Maintenance report, most of which are redundant. He also attached 21 exhibits to the petition, which, in relevant part, include the Internal Maintenance report (Exhibit 1), the Interoffice Communication (Exhibit 2), the Uniform

Incident Report (Exhibit 3), and the Tow Log (Exhibit 4). Quinn's petition included a claim that the State's failure to disclose the newly discovered Internal Maintenance report constituted a *Brady* violation. Quinn claimed that the Internal Maintenance report would have brought to light the incorrect information in the Interoffice Communication regarding the location of Beverly's white Hyundai as well as other inconsistencies. As a result, Quinn argued that the suppression of the Internal Maintenance report materially affected the presentation and preparation of his defense at trial and prevented him from proving his innocence.

{¶ 29} Quinn also claimed that, when considered with the Uniform Incident Report and Tow Log, the Internal Maintenance report established that Deputy Melchi was not just tangentially involved in the case and that his presence in the jury pool denied him his right to due process. Quinn additionally claimed that he received ineffective assistance of counsel because his trial counsel failed to interview the individuals mentioned in the Interoffice Communication. According to Quinn, conducting those interviews would have brought to light the false information in the Interoffice Communication regarding the location of Beverly's white Hyundai.

{¶ 30} On December 1, 2025, the trial court issued a decision denying Quinn's petition on grounds that all his claims were barred by the doctrine of *res judicata*. Quinn now appeals from that decision and raises 12 assignments of error for review.

Motion to Stay Appeal and Motion for Consolidation/Remand

{¶ 31} Before discussing Quinn's assignments of error, we note that on January 8, 2026, Quinn filed a motion to stay the instant appeal so that the trial court could rule on six pending motions. Of the six motions, Quinn is primarily concerned with a combined "Motion for Leave to File a Motion for New Trial Instanter and Motion for New Trial Instanter" that he

filed on April 1, 2024. Quinn filed the combined motion on the same day that he filed the petition for postconviction relief that is the subject of this appeal. The motion and petition raised the same issues pertaining to the newly discovered Internal Maintenance report. Though the trial court denied the petition on December 1, 2025, it did not rule on the combined motion for leave/motion for new trial. Quinn appealed from the trial court's decision overruling his petition on December 15, 2025, and thereafter filed the January 8, 2026 motion to stay the instant appeal. At oral arguments, Quinn's counsel advised that the stay was requested out of concern for how the court's ruling on this appeal would affect the trial court's ruling on Quinn's motion for new trial.

{¶ 32} During the pendency of the appeal, however, the trial court sustained Quinn's motion for leave to file his motion for new trial and then issued a one-sentence entry overruling Quinn's motion for new trial on August 28, 2026. This occurred three days after oral arguments. On September 16, 2026, Quinn filed a notice of appeal from the trial court's entry overruling his motion for new trial. The appeal was designated Clark C.A. No. 2026-CA-0078. On September 22, 2026, Quinn filed a "Motion for a Limited Remand and to Stay Appellate Proceedings" in this appeal. In the motion, Quinn requests this court to consolidate this appeal with the appeal in Clark C.A. No. 2026-CA-0078 or, alternatively, to stay the appeal and remand the matter for the trial court to issue a "simultaneous ruling" on his petition for postconviction relief and motion for new trial.

{¶ 33} In the motion, Quinn acknowledges the well-established principle that "a trial court is divested of jurisdiction once an appeal is taken, except to take action in aid of the appeal." *State v. Carr*, 2019-Ohio-3802, ¶ 39 (2d Dist.), citing *State ex rel. Special Prosecutors v. Judges*, 55 Ohio St.2d 94, 97 (1978). This means that "[o]nce an appeal is taken, the trial court is divested of jurisdiction except 'over issues not inconsistent with that

of the appellate court to review, affirm, modify or reverse the appealed judgment.” *State ex rel. State Fire Marshal v. Curl*, 87 Ohio St.3d 568, 570 (2000), quoting *Special Prosecutors* at 97. “Thus, the timely filing of a notice of appeal generally precludes a trial court from taking further action on claims that are affected by the appeal.” *State ex rel. Bohlen v. Halliday*, 2021-Ohio-194, ¶ 25, citing *State ex rel. Electronic Classroom of Tomorrow v. Cuyahoga Cty. Court of Common Pleas*, 2011-Ohio-626 at ¶ 14. “[T]he trial court retains jurisdiction over only those issues not directly related to the subject of the appeal.” *Lambda Research v. Jacobs*, 2007-Ohio-309, ¶ 21 (1st Dist.).

{¶ 34} Quinn raised the same issues in his April 1, 2024 motion for new trial that he raised in his April 1, 2024 petition for postconviction relief. In other words, the issues raised in the motion for new trial were directly related to the subject of the instant appeal. Because of this, we find that the trial court did not have jurisdiction to rule on Quinn’s motion for new trial.

{¶ 35} “Where a trial court enters an order without jurisdiction, its order is void and a nullity.” *State v. McDonald*, 2023-Ohio-464, ¶ 16 (8th Dist.); *State v. Hinze*, 2022-Ohio-2602, ¶ 18, fn. 1 (2d Dist.). When a judgment is void, “[i]t is as though such proceedings had never occurred; the judgment is a mere nullity and the parties are in the same position as if there had been no judgment.” *State v. Bezak*, 2007-Ohio-3250, ¶ 12, quoting *Romito v. Maxwell*, 10 Ohio St.2d 266, 267-268 (1967). *Accord State v. Billiter*, 2012-Ohio-5144, ¶ 10.

{¶ 36} With the foregoing principles in mind, we address Quinn’s January 8, 2026 motion to stay the instant appeal as though the trial court had never ruled on his motion for new trial. We do the same for Quinn’s September 22, 2026 motion requesting the court to consolidate his appeals or to stay and remand the matter.

{¶ 37} App.R. 4(B)(3) provides that “[i]f a party files a notice of appeal from an otherwise final judgment but before the trial court has resolved one or more of the filings listed in (a), (b), or (c) of this division, then the court of appeals, upon suggestion of any of the parties, shall remand the matter to the trial court to resolve the motion in question and shall stay appellate proceedings until the trial court has done so.” The three filings referenced under App.R. 4(B)(3)(a), (b), and (c) are “(a) a motion for arrest of judgment under Crim.R. 34; (b) a motion for a new trial under Crim.R. 33 *for a reason other than newly discovered evidence*; or (c) objections to a magistrate’s decision under Crim.R. 19(D)(3)(b) or Traf.R. 14.” (Emphasis added.)

{¶ 38} Quinn’s motion for new trial is based on newly discovered evidence; therefore, it does not require a stay of the appeal under App.R. 4(B)(3). Given that a stay is not required, and to prevent the unnecessary delay of this appeal, Quinn’s January 8, 2026 motion requesting a stay of the appeal is denied. We also decline to delay this matter any further by consolidating Quinn’s appeals. We disagree with Quinn’s claim that the failure to consolidate the appeals or to stay and remand the matter to the trial court prejudices him. Quinn’s other appeal will be handled in due course. Accordingly, Quinn’s September 22, 2026 motion is denied as well.

First Assignment of Error

{¶ 39} Under his first assignment of error, Quinn claims that the trial court erred by overruling his latest petition for postconviction relief on res judicata grounds. He claims that the trial court improperly applied the doctrine of res judicata to claims that are based on newly discovered evidence—the Internal Maintenance report. Upon review, we disagree.

{¶ 40} “We review a trial court’s denial of post-conviction relief under R.C. 2953.21 for an abuse of discretion.” *State v. Sutherland*, 2025-Ohio-488, ¶ 18 (2d Dist.), quoting

State v. White, 2008-Ohio-1623, ¶ 45. It is well established that the doctrine of “[r]es judicata is applicable in all postconviction relief proceedings.” *Id.* at ¶ 17 (2d Dist.), citing *State v. Blanton*, 2022-Ohio-3985, ¶ 43. To avoid the dismissal of a petition for postconviction relief on the basis of res judicata, “the evidence supporting the claims in the petition must be competent, relevant, and material evidence outside the trial court record, and it must not be evidence that existed or was available for use at the time of trial.” *Id.*, quoting *State v. Jackson*, 2007-Ohio-1474, ¶ 21 (10th Dist.). We have also explained that

The doctrine of res judicata can . . . apply to bar successive petitions for post-conviction relief. [*State v. Finfrock*, 1998 WL 726478, *5 (2d Dist. Oct. 16, 1998)]. Under the doctrine of res judicata, “[a] valid, final judgment rendered upon the merits bars all subsequent actions based upon any claim arising out of the transaction or occurrence that was the subject matter of the previous action.” [*State ex rel. O’Malley v. Russo*, 2019-Ohio-1698, ¶ 27, quoting *Grava v. Parkman Twp.*, 1995-Ohio-331, syllabus.] “[T]he doctrine serves to preclude a defendant who has had his day in court from seeking a second on that same issue. In so doing, res judicata promotes the principles of finality and judicial economy by preventing endless relitigation of an issue on which a defendant has already received a full and fair opportunity to be heard.” (Citation omitted.) [*State v. Saxon*, 2006-Ohio-1245, ¶ 18].

More specifically, res judicata operates to bar claims that are raised in successive petitions for post-conviction relief when the trial court has already ruled on the same claims in prior post-conviction proceedings. [*State v. Tucker*, 1988 WL 38147, *3 (2d Dist. Apr. 18, 1988)]. “Accordingly, if the claims brought in a second petition for post-conviction relief are ones that were or could have

been brought in an earlier petition for post-conviction relief, a trial court does not abuse its discretion in denying the second petition for post-conviction relief on the basis of res judicata.” (Citation omitted.) *Finfrock* at *5. *Accord* [*State v. Waver*, 2020-Ohio-2724, ¶ 32 (8th Dist.)]. Therefore, “[t]rial courts are not required to entertain successive petitions which allege the same grounds as an earlier petition.” [*State v. Dixon*, 2019-Ohio-230, ¶ 18 (2d Dist.), quoting [*State v. Williams*, 1996 WL 17333, *2 (8th Dist. Jan. 18, 1996), citing *State v. Steffen*, 1994-Ohio-111].

State v. Weber, 2020-Ohio-4851, ¶ 14-15 (2d Dist.).

{¶ 41} The Supreme Court of Ohio has explained that if the potential effect of newly discovered evidence has not been, and could not have been, previously litigated, it is inappropriate to apply res judicata to a defendant’s petition for postconviction relief based on the newly discovered evidence. *State v. Hatton*, 2022-Ohio-3991, ¶ 25. That, however, is not the case here.

{¶ 42} The newly discovered evidence in this case is an Internal Maintenance report that contains information that is largely consistent with the information contained in the Uniform Incident Report, Tow Log, and portions of the Interoffice Communication. Quinn was provided with the Interoffice Communication in pretrial discovery. Quinn has known about the Uniform Incident Report and Tow Log since at least 2016, and they were the subject of Quinn’s prior appeals. Quinn simply seeks to use the newly discovered Internal Maintenance report as a mechanism to reraise the arguments that he previously raised—i.e., that he was denied due process by the State failing to disclose records pertaining to the location, towing, and destruction of Beverly’s white Hyundai. Quinn also proposes using the Internal Maintenance report as a means to reraise his prior ineffective assistance claims and

once again challenge Deputy Melchi's presence in the jury pool. We already addressed these claims in *Quinn V* and *Quinn VI*; res judicata bars Quinn from raising those claims again in a successive petition for postconviction relief under the guise of newly discovered evidence.

{¶ 43} We recognize that the Internal Maintenance report does include some new information that is not contained in the other reports. For example, the Internal Maintenance report indicates that there was a set of footprints coming out of unspecified woods, that Quinn was seen by a neighbor carrying a gas can, and that the Clark County Sheriff's Office had three units in the area of the white Hyundai. The report also indicates that officers were dispatched to 1176 Old Farm Lane in response to a call from Mia Adams, which differs from what was stated in the Interoffice Communication. We note that Adams and the responding officers identified in the Internal Maintenance report were not new witnesses that had just come to light through the discovery of that report. Rather, Adams and the responding officers were all identified in the Interoffice Communication that was disclosed to Quinn before trial.

{¶ 44} In any event, "[t]o overcome the res judicata bar, the petitioner must produce new evidence that renders the judgment void or voidable, and show that he could not have appealed the claim based upon information contained in the original record." *Quinn IV*, 2017-Ohio-8107 at ¶ 35 (2d Dist.), quoting *State v. Aldridge*, 120 Ohio App.3d 122, 151 (2d Dist. 1997); accord *Sutherland*, 2025-Ohio-488 at ¶ 17 (2d Dist.). Here, we fail to see how any of the information in the Internal Maintenance report would render Quinn's judgment of conviction void or voidable. Simply put, the information in the Internal Maintenance report is not material to Quinn's defense, because there is not a reasonable probability that the outcome of Quinn's trial would have been different had the information in the Internal Maintenance report been disclosed. See *State v. Iacona*, 93 Ohio St.3d 83, 89 (2001).

{¶ 45} Over the past decade, Quinn has filed several motions for a new trial and petitions for postconviction relief claiming that he had obtained new evidence establishing his misidentification as the individual who committed the offenses against Beverly. First, he offered the bogus recantation affidavits from Beverly that lacked credibility. Then, he offered the Uniform Incident Report and Tow Log, which simply established when and where the vehicle used during the offenses was found and how the vehicle was subsequently towed and destroyed. Now, Quinn offers the Internal Maintenance report, which establishes much of the same information as the other reports, as well as other immaterial information. In presenting this new evidence and arguing how it allegedly impacted his defense and the outcome of his trial, Quinn glosses over the evidence at trial establishing that Beverly told the jury and multiple people on multiple occasions that Quinn was the perpetrator of the offenses against her. The information in the Internal Maintenance report does not change the evidence adduced at trial, and it would not have affected the outcome of his trial had it been disclosed.

{¶ 46} Because Quinn's latest petition for postconviction relief presents only immaterial evidence and reraises claims that have already been addressed by this court or claims that could have been previously raised in his prior postconviction filings, we find that the trial court did not abuse its discretion by denying the petition as barred by res judicata.

{¶ 47} Quinn's first assignment of error is overruled.

Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Eleventh, and Twelfth

Assignments of Error

{¶ 48} With the exception of Quinn's tenth assignment of error, which raises an ineffective assistance claim, Quinn's remaining assignments of error are all based on the State's failure to disclose the Internal Maintenance report. Because the trial court correctly

determined that those claims are barred by the doctrine of res judicata, Quinn's second, third, fourth, fifth, sixth, seventh, eighth, ninth, eleventh, and twelfth assignments of error are overruled.

Tenth Assignment of Error

{¶ 49} Under his tenth assignment of error, Quinn claims that his trial counsel was ineffective for failing to discover the Internal Maintenance report. Specifically, he argues that his trial counsel performed deficiently by failing to interview the officers identified in the Interoffice Communication that was disclosed before trial. He contends that those interviews would have brought to light the missing reports and the true location of the white Hyundai and its destruction. According to Quinn, this information would have allowed him to better prepare his defense and request a dismissal based on the vehicle's destruction.

{¶ 50} In *Quinn V* and *Quinn VI*, Quinn previously raised ineffective assistance claims arguing that his trial counsel failed to investigate the vehicle that was used during the kidnapping and abduction of Beverly. As for the specific claim that his trial counsel failed to interview the individuals mentioned in the Interoffice Communication, Quinn could have previously raised that claim in *Quinn VI* as it related to the undisclosed Uniform Incident Report and Tow Log. The reports contain information that is consistent with the information in the Internal Maintenance report. Quinn cannot use the newly discovered Internal Maintenance report to raise an ineffective assistance claim that he could have raised previously. Accordingly, his ineffective assistance claim is barred by res judicata.

{¶ 51} Even if res judicata did not bar Quinn's ineffective assistance claim, the Supreme Court of Ohio has instructed that where the record on appeal does not indicate the extent of counsel's pretrial investigation, "we will not 'infer a defense failure to investigate from a silent record.'" *State v. Thompson*, 2014-Ohio-4751, ¶ 247, quoting *State v. Were*,

2008-Ohio-2762, ¶ 244. Here, the record does not indicate the extent of the pretrial investigation undertaken by Quinn’s trial counsel; therefore, we will not infer that counsel failed to investigate. It might be the case that counsel investigated but determined that the information yielded from the investigation was insignificant given that Beverly had identified Quinn as the person who committed the offenses against her.

{¶ 52} Quinn’s tenth assignment of error is overruled.

Conclusion

{¶ 53} Having overruled all twelve assignments of error raised by Quinn, the judgment of the trial court is affirmed.

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