[Cite as *State v. Ekeh*, 2026-Ohio-4449.]

IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
AUGLAIZE COUNTY

STATE OF OHIO,

PLAINTIFF-APPELLEE,

v.

IFEOMA SYLVIA EKEH,

DEFENDANT-APPELLANT.

CASE NO. 2-26-05

OPINION AND JUDGMENT ENTRY

Appeal from Auglaize County Municipal Court
Trial Court No. 2025 TRD 07122

Judgment Affirmed

Date of Decision: November 9, 2026

APPEARANCES:

Chima R. Ekeh **for Appellant**

Laia Zink **for Appellee**

WALDICK, J.

{¶1} Defendant-appellant, Ifeoma Sylvia Ekeh ("Ekeh"), brings this appeal from the April 27, 2026, judgment of the Auglaize County Municipal Court finding her guilty of Speeding in a construction zone in violation of R.C. 4511.21(A). For the reasons that follow we affirm.

Background

{¶2} On the morning of October 2, 2025, Trooper Cramer of the Ohio State Highway Patrol was monitoring northbound traffic in a construction zone on I-75 in Auglaize County. Using the UltraLyte LTI 20-20 laser, Trooper Cramer observed Ekeh driving 72 mph in the 60 mph construction zone. Trooper Cramer pulled out behind Ekeh, waited until both vehicles cleared the construction zone, then initiated a traffic stop. Ekeh was charged with Speeding in a construction zone in violation of R.C. 4511.21(A). Ekeh pled not guilty to the charge.

{¶3} On March 6, 2026, Ekeh proceeded to a bench trial. After the evidence was presented, the trial court indicated it would issue a written decision on the matter.

{¶4} On April 27, 2026, the trial court filed a judgment entry finding Ekeh guilty of Speeding in a construction zone. She was fined $150 and assessed 2 points on her license. Ekeh now brings the instant appeal from the trial court's judgment, asserting the following assignments of error for our review.

Assignment of Error No. 1

The trial court abused its discretion by denying appellant's motion in limine.

Assignment of Error No. 2

Appellant's conviction was based on insufficient evidence and against the manifest weight of the evidence.

First Assignment of Error

{¶5} In her first assignment of error, Ekeh argues that the trial court abused its discretion by denying her motion in limine.

Standard of Review

{¶6} A decision to grant or deny a motion in limine is reviewed under an abuse of discretion standard. *Estate of Johnson v. Smith*, *Inc*., 2013-Ohio-1507, ¶ 22. An abuse of discretion occurs when the trial court's decision is unreasonable, arbitrary, or unconscionable. *Id*.

Analysis

{¶7} Prior to trial, Ekeh filed a joint motion to compel/motion in limine seeking the State to produce annual calibration and maintenance records for the "Ultra[]Lyte laser" that determined Ekeh's speed. She also sought written records of confidence checks performed by Trooper Cramer of the Ohio State Highway Patrol. Ekeh contended that the State was required to provide the evidence, and if

the State did not, any evidence referencing Ekeh's speed through the use of the UltraLyte laser should not be admitted at trial.

{¶8} Ekeh's motion was orally argued directly prior to the trial. The State responded to Ekeh's motion by arguing that it had provided all of the discovery that existed related to the UltraLyte laser. The State indicated a written report related to Trooper Cramer's confidence checks was provided to the defense. All of Trooper Cramer's certifications were provided to the defense. The State also indicated it had provided the policy manual related to the UltraLyte laser and the State Highway Patrol policies related to the laser. Further, the State indicated that certain printouts being sought by Ekeh did not exist.

{¶9} The trial court denied Ekeh's motion in limine, citing in support *Brook Park v. Rodojev*, 2020-Ohio-3253, ¶ 19, wherein the Supreme Court of Ohio held:

> [T]he results of a speed-measuring device using either radar or laser technology are admissible in court without expert testimony establishing, or the court taking judicial notice of, the reliability of the scientific principles underlying that technology. However, the fact-finder is required to determine whether the evidence presented concerning the accuracy of the particular speed-measuring device and the qualifications of the person who used it is sufficient to support a conviction based on the device's results.

The trial court indicated that Ekeh's arguments would be considered when evaluating the credibility of the trooper and the weight to be given to any evidence related to an UltraLyte reading, but any issues raised by Ekeh would not impact the admissibility of the results of the UltraLyte laser reading from October 2, 2025.

{¶10} Notably, Ekeh did not explicitly renew her motion in limine during the actual trial. Ekeh did not object when Trooper Cramer testified to his 14 years using the UltraLyte laser, or when he testified to his continued annual recertification in the machine's use as recently as August 20, 2025. Ekeh also did not object when Trooper Cramer testified how he conducted confidence checks and how he conducted them in this instance at the beginning and end of his shift on October 2, 2025.

{¶11} The Supreme Court of Ohio has indicated that if a trial judge denies a motion in limine, counsel must still assert an objection when the evidence is presented in its full context at trial because a motion in limine is only a preliminary ruling. *State v. Maurer*, 15 Ohio St.3d 239, 259-260 (1984). Failure to object again at trial generally constitutes a waiver of the evidentiary argument for purposes of appeal. *Id*. at 260.

{¶12} As Ekeh never explicitly renewed her motion in limine during the trial itself, we could overrule her assignment of error for this reason alone. *See id*. Nevertheless, as the motion in limine was argued just prior to the trial, and the motion was referenced in passing by the trial court during the trial, we will review the challenge on its merits.

{¶13} Ekeh argues on appeal that the Ohio State Highway Patrol Policy on Speed Measuring Devices "mandated the troopers to document the time of the Confidence Checks" to establish the accuracy of the laser device for court

testimony. She contends that Trooper Cramer did not document the specific time of his confidence checks, but rather documented that he conducted the confidence checks at the beginning and end of his shift. Ekeh contends that by failing to note the specific time of the confidence checks, Trooper Cramer violated Ohio State Highway Patrol policy and thus any evidence from the laser reading should have been inadmissible.

{¶14} First, Ekeh has cited no legal authority indicating that noncompliance with an internal Ohio State Highway Patrol record-keeping policy somehow impacts the legal admissibility of any evidence obtained from the laser device. Second, Trooper Cramer specifically testified that he did "confidence checks" at the beginning of his shift and at the end of his shift. Trooper Cramer acknowledged that pursuant to the policy he should have put a specific time of the confidence check rather than just stating at the beginning or end of his shift, but that was not how he had been documenting his checks over his 14-year career as a trooper.

{¶15} We agree with the trial court that any failure to comply with internal record-keeping policies of the State Highway Patrol would not impact admissibility of the evidence; rather it would be a matter for weight and credibility, particularly given that Trooper Cramer was clearly recertified annually to use the machine.

{¶16} Ekeh also argues that Trooper Cramer's cruiser had the capability of printing and preserving a speed reading, and because Trooper Cramer did not utilize these capabilities, any laser reading should have been inadmissible. However,

Trooper Cramer testified that the Ohio State Highway Patrol had never provided the tools so that he could print speeds recorded by the laser, and he had never had printouts in his entire career. Again, Ekeh's argument goes toward the weight that should be given to Trooper Cramer's testimony, not the admissibility of the laser results. Ekeh has simply cited no legal authority showing that the evidence in this case should have been inadmissible.

{¶17} In sum, we do not find that the trial court abused its discretion in this matter by denying Ekeh's motion in limine. Her arguments regarding the UltraLyte laser concern weight rather than admissibility. Therefore, her first assignment of error is overruled.

Second Assignment of Error

{¶18} In her second assignment of error, Ekeh argues that there was insufficient evidence to convict her of Speeding, and that her conviction was against the manifest weight of the evidence.

Standards of Review

{¶19} "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." *State v. Jenks*, 61 Ohio St.3d 259 (1981), paragraph two of the syllabus, *superseded by state constitutional*

amendment on other grounds. Accordingly, "[t]he 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." *Id*. "In deciding if the evidence was sufficient, we neither resolve evidentiary conflicts nor assess the credibility of witnesses, as both functions are reserved for the trier of fact." *State v. Jones*, 2013-Ohio-4775, ¶ 33 (1st Dist.); *State v. Berry*, 2013-Ohio-2380, ¶ 19 (3d Dist.) ("Sufficiency of the evidence is a test of adequacy rather than credibility or weight of the evidence.").

{¶20} In determining whether a conviction is against the manifest weight of the evidence, we must examine 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 factfinder clearly lost its way and created such a manifest miscarriage of justice that the convictions must be reversed and a new trial ordered. *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997). Importantly, the Supreme Court of Ohio has recently clarified that under a manifest weight review, appellate courts "must defer to the fact-finder's witness-credibility determinations." *State v. Reillo*, 2026-Ohio-2701, ¶ 38. When applying the manifest weight standard, "[o]nly in exceptional cases, where the evidence 'weighs heavily against the conviction,' should an appellate court overturn the trial court's judgment." *State v. Haller*, 2012-Ohio-5233, ¶ 9 (3d Dist.), quoting *State v. Hunter*, 2011-Ohio-6524, ¶ 119.

Evidence Presented by the State

{¶21} Trooper Cramer testified that he had over 14 years of experience with the Ohio State Highway Patrol. He testified that he was certified in the use of electronic speed measuring devices and that he was recertified annually. He testified that he was recertified most recently prior to the trial on August 20, 2025.

{¶22} Trooper Cramer testified that he had used the UltraLyte laser his entire career. He testified that on October 2, 2025, he conducted confidence checks with the laser at the beginning and end of his shift. He also described how that confidence check was conducted and what he was looking for during the confidence check.

{¶23} Trooper Cramer testified that he worked 6 a.m. to 2 p.m. on October 2, 2025. He testified that shortly before 8 a.m. he was monitoring northbound traffic on I-75 in a construction zone in Auglaize County when he observed a white Volvo traveling at what he believed to be an excessive speed. He visually estimated that the vehicle was traveling approximately 72 mph in the 60 mph construction zone. Trooper Cramer testified that there were numerous signs indicating the speed of 60 mph in the construction zone. Trooper Cramer then testified as to how he used the UltraLyte laser to check the white Volvo's speed and the laser indicated the Volvo was traveling 72 mph. Trooper Cramer testified that he usually liked to track the vehicle for at least 4 seconds to get a good speed reading and that he did so in this instance.

{¶24} Trooper Cramer testified he pulled out behind the white Volvo but he did not pull it over immediately because the vehicles were still in the construction zone. Once the zone was cleared, Trooper Cramer initiated a traffic stop.

{¶25} Body camera footage from Trooper Cramer showed his brief interactions with Ekeh, and in the first interaction Ekeh stated she was not "aware" she was traveling 72 mph in the construction zone.

Sufficiency Analysis

{¶26} Ekeh largely contends that the trial court improperly relied upon Trooper Cramer's testimony regarding use of the UltraLyte device. She contends that the speed reading should not have been admissible and it was not credible.

{¶27} We have already determined that the trial court did not abuse its discretion in determining that the UltraLyte evidence was admissible, thus this argument is not well-taken. As to Ekeh's contention related to Trooper Cramer's testimony not being credible, this is an issue for weight of the evidence rather than sufficiency. *See Berry*, *supra*.

{¶28} Moreover, in a sufficiency challenge on appeal, we are directed to look at the evidence in the light most favorable to the State. Here there was clear testimony that Ekeh was observed traveling 72 mph in a 60 mph construction zone.[1]

[1] Ekeh cites a non-precedential opinion from this Court, *State v. Everett*, 2009-Ohio-6714 (3d Dist.), as support for her proposition that there was insufficient evidence presented in this case. In addition to having no precedential value (one judge dissented and another concurred in judgment only), the facts of *Everett* are different than the case *sub judice*.

When viewing that testimony in the light most favorable to the State, we find this evidence is sufficient to find that Ekeh was guilty of Speeding in a construction zone. Therefore Ekeh's argument is not well-taken.

Evidence Presented by the Defense

{¶29} Ekeh testified in her own defense claiming that she drove the specific route on I-75 often and that she was aware of the reduced speeds in the construction zone. She testified that on the morning of October 2, 2025, she was coming home from work and did not see the officer before he activated his lights behind her. She testified that she was traveling 72 mph *after* she left the construction zone when the officer activated his lights behind her. She testified she did not know how fast she was going in the construction zone but she was not "close" to 70.

{¶30} Ekeh also testified that when the officer stated to her that he had observed her driving 72 mph in the 60 mph zone, she said "I'm sorry I wasn't aware" only to be polite, not to acknowledge that she was actually speeding.

Manifest Weight Analysis

{¶31} Ekeh argues that the dash camera footage in Trooper Cramer's cruiser contradicts the speed reading in this case. She bases her argument on the fact that some vehicles going southbound across the viewing area took approximately the same time to pass in front of Trooper Cramer's cruiser as Ekeh's vehicle.

{¶32} Ekeh's argument plainly ignores that Trooper Cramer testified that while his vehicle was facing forward, Trooper Cramer was looking out of his left window and using the UltraLyte laser to check speeds of northbound traffic. He indicated that he already had both visually estimated Ekeh's speed at 72 mph and used the UltraLyte laser to check her speed, which was 72 mph before Ekeh was ever directly in front of his cruiser, making Ekeh's argument irrelevant.

{¶33} Ekeh also takes issue with Trooper Cramer's decision to wait to initiate a traffic stop until after Ekeh left the construction zone. Ekeh argues that the speed limit increased after the construction zone and that is when she was stopped. Trooper Cramer specifically testified that for Ekeh's safety, for the safety of construction workers, and for his own safety, he waited to stop Ekeh until they were out of the construction zone so they had more room to maneuver. There is no indication that Trooper Cramer only captured Ekeh's speed after leaving the construction zone beyond Ekeh's self-serving testimony. By Ekeh's own admission, she did not know how fast she was going in the construction zone, she just believed it was not close to 70.

{¶34} Ekeh essentially argues that for any number of reasons Trooper Cramer's testimony regarding his visual estimation of her speed and the UltraLyte laser results he observed were not credible. However, as stated previously, the Supreme Court of Ohio has recently clarified that under a manifest weight review, appellate courts "must defer to the fact-finder's witness-credibility determinations."

State v. Reillo, 2026-Ohio-2701, ¶ 38. The trial court evidently found that any inconsistencies between Trooper Cramer's actions and the official Ohio State Highway Patrol policy were not material and did not undermine his credibility.

{¶35} Finally, we note that Ekeh takes issue with multiple statements made by the trial court in its final entry finding her guilty of Speeding. We note that pursuant to Crim.R. 23, in a bench trial, the "court shall make a general finding." We have repeatedly indicated that anything stated beyond the general finding is considered "mere surplusage without legal significance." *State v. Smead*, 2024-Ohio-2222, ¶ 14 (3d Dist.). Thus Ekeh's arguments attempting to undermine specific findings of the trial court in its written entry are irrelevant.

{¶36} Upon review, we do not find that this is one of the exceptional cases where the evidence weighs heavily against the conviction. Therefore, Ekeh's second assignment of error is overruled.

Conclusion

{¶37} Having found no error prejudicial to Ekeh in the particulars assigned and argued, her assignments of error are overruled and the judgment of the Auglaize County Municipal Court is affirmed.

Judgment Affirmed

ZIMMERMAN, P.J. and MILLER, J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignments of error are overruled and it is the judgment and order of this Court that the judgment of the trial court is affirmed with costs assessed to Appellant for which judgment is hereby rendered. The cause is hereby remanded to the trial court for execution of the judgment for costs.

It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket. See App.R. 30.

Juergen A. Waldick, Judge

William R. Zimmerman, Judge

Mark C. Miller, Judge

DATED:
/jlm