[Cite as *Marysville v. Vallarta, Ltd.*, 2026-Ohio-4455.]

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

CITY OF MARYSVILLE,

PLAINTIFF-APPELLEE,

v.

VALLARTA, LTD,

DEFENDANT.

[JOSE BRAVO – APPELLANT]

CASE NO. 14-26-07

OPINION AND JUDGMENT ENTRY

Appeal from Marysville Municipal Court
Trial Court No. CRB 2500509A-E

Judgments Reversed

Date of Decision: November 9, 2026

APPEARANCES:

Colin E. Peters **for Appellant**

Julie Spain **for Appellee**

WILLAMOWSKI, J.

{¶1} Appellant Jose Bravo ("Bravo") appeals the judgments of the Marysville Municipal Court, arguing that the trial court erred in the process of sentencing him. For the reasons set forth below, the judgments of the trial court are reversed.

Facts and Procedural History

{¶2} Vallarta, LTD ("Vallarta") is an entity that owns a property in the historic district of Marysville, Ohio. After a plan to use this property as a restaurant foundered, the building was used for storage but fell into some disrepair. On October 17, 2025, Vallarta was charged with five counts of violating various provisions in the Marysville Property Maintenance Code. Since the complaints alleged that each of the identified issues had persisted for fifty days, each count represented fifty violations of the building code.

{¶3} The complaints listed Bravo as the authorized representative of the named defendant and property owner, Vallarta. But after the complaints, the docket contains no subsequent filings that list Vallarta as the defendant. Rather, the subsequent filings have the following caption: "State of Ohio, Plaintiff v. Jose Bravo, *Defendant*."[1] (Emphasis added.) (Doc. 3).

[1] We note that several filings in this case do refer to the defendant as "Jose Bravo d/b/a Vallarta Ltd.," suggesting that Vallarta may not have been consistently understood as a separate legal entity as this case progressed. (Doc. 9-10). Further, while the filings and judgment entries contain the caption that lists Bravo

{¶4} On February 24, 2026, defense counsel filed a written plea that stated the following: "Defendant, Jose Bravo ("Bravo"), says that Complaints were filed against him for violations" of the Marysville Municipal Code. (Doc. 23). The written plea then stated: "Bravo further enters a plea of NOT GUILTY to the above stated charges." (Doc. 23). This document makes no mention of Vallarta.

{¶5} On March 25, 2026, Bravo appeared at a change of plea and sentencing hearing. With the assistance of a translator, Bravo entered five guilty pleas to the charges set forth in the complaints. But during this entire proceeding, no one indicated that Bravo was only appearing as the authorized representative of the defendant. Vallarta was not mentioned one time at the hearing.

{¶6} At sentencing, the trial court imposed a fine of $200.00 for each violation. Since each of the five counts in the complaints represented fifty violations, the total fine was $50,000.00. In the judgment entries in which his pleas were accepted, Bravo signed his name over a signature line that stated "Bravo, Jose, Defendant." (Doc. 32). He also signed a document that stated "I understand that the Court has imposed fine(s) and/or costs *upon me* that total $50264.10." (Emphasis added.) (Doc. 33).

as the defendant, the clerk of courts put a caption on the docket sheet that correctly names Vallarta, Ltd. as the defendant. We will use the designation applied by the clerk of courts in the caption of this opinion.

{¶7} On March 25, 2026, the trial court issued a judgment entry for each of the five counts in the complaints. Bravo filed his notice of appeal on April 27, 2026 and raises the following three assignments of error:

First Assignment of Error

> **The trial court abused its discretion and violated Appellant's right to due process by impermissibly relying on information outside the record at sentencing and demonstrating bias.**

Second Assignment of Error

> **The trial court abused its discretion by fining Appellant without any inquiry into or consideration of his ability to pay.**

Third Assignment of Error

> **The Sentence imposed by the trial court was excessive, in violation of Appellant's rights as guaranteed by the Eighth Amendment to the United States Constitution and Article I, Section 9 of the Ohio Constitution.**

Before we consider these assignments of error, we turn to addressing a jurisdictional defect that affects the validity of the judgments that are challenged on appeal.

{¶8} "Personal jurisdiction refers to the court's power to render a valid judgment against a particular individual." *State v. Henderson*, 2020-Ohio-4784, ¶ 36. "The filing of a complaint invokes the jurisdiction of the municipal court." *State v. Mbodji*, 2011-Ohio-2880, ¶ 12, citing Crim.R. 3.

> 'In a criminal matter, the court acquires jurisdiction over a person by lawfully issued process, followed by the arrest and arraignment of the accused and his plea to the charge.' *Henderson* at ¶ 36. 'The prosecution of a criminal case is strictly against the accused.' *Wacksman v. Harrell*, 174 Ohio St. 338, 342, 189 N.E.2d 146 (1963).

> 'A judgment or sentence is void . . . if it is rendered by a court that lacks . . . personal jurisdiction over the defendant.' *Henderson* at ¶ 34. Therefore, '[i]n the absence of a sufficient formal accusation, a court acquires no jurisdiction whatever, and if it assumes jurisdiction, a trial and conviction are a nullity.' *State v. Miller*, 47 Ohio App.3d 113, 114, 547 N.E.2d 399 (1st Dist.1988).

Willowick Bldg. Dep't v. Shoregate Towers NS, LLC, 2024-Ohio-700, ¶ 30 (11th Dist.). A defendant may waive issues related to a trial court's personal jurisdiction over him or her. *State v. Montgomery*, 2026-Ohio-1243, ¶ 12 (3d Dist.). However, a waiver of personal jurisdiction generally assumes that "the trial court's personal jurisdiction ha[s] first been invoked through the filing of criminal charges against" the defendant. *Willowick* at ¶ 33.

{¶9} In the case presently before us, the deeded owner of the property at issue—Vallarta—was identified as the defendant in the complaints filed with the trial court. Bravo was mentioned in the complaints only as Vallarta's authorized representative.[2] While the complaints identified Vallarta as the defendant, this action started to proceed in form and substance against Bravo almost immediately after the complaints were filed. In form, the case caption became "State of Ohio, Plaintiff v. Jose Bravo, Defendant," identifying Bravo as the party to this action rather than Vallarta. (Doc. 12).

[2] At oral arguments, this Court inquired into why the complaints identified Vallarta as the defendant but the judgment entries named Bravo as the defendant. In response, the State indicated that it believed that Vallarta was the party that was convicted; that Bravo was not personally convicted; and that Bravo did not personally owe the fine. But the State acknowledged that the language of the judgment entries presented Bravo as the party that was convicted and sentenced. If the intention was to convict and sentence Vallarta, the language in the judgment entries did not effectuate the desired objective and needs to be modified to obtain that result.

{¶10} In substance, Bravo pled guilty to the charges in the complaints at a hearing in which the name "Vallarta" was never mentioned. The pleas were not preceded or accompanied by any statements that acknowledged Vallarta was the defendant or that indicated Bravo was offering these pleas on behalf of Vallarta as its authorized representative. A plain reading of the judgment entries indicates that findings of guilt were entered against Bravo, not Vallarta.

{¶11} Further, the name "Vallarta" was never mentioned in the process of imposing a sentence in this case and does not appear in any of the sentencing entries. Rather, Bravo is listed as the defendant in the sentencing entries that were issued for each of the five charges in the complaints. He also signed a document that stated: "I understand that the Court has imposed fine(s) and/or costs *upon me* that total $50264.10. I must pay such amount in full within 365 days of today's date." (Emphasis added.) (Doc. 33).

{¶12} As noted previously, the criminal complaints in this case were filed against Vallarta. Bravo never had charges filed against him individually that would have invoked the trial court's personal jurisdiction over him. *Willowick*, 2024-Ohio-700, at ¶ 33 (11th Dist.). Since the trial court lacked personal jurisdiction over Bravo in this case, the judgments against Bravo are void. *Id*. at ¶ 34. For the same reason, the guilty pleas Bravo entered must be vacated. *Id*.

{¶13} As a general matter, a trial court "is required to proceed from the point at which the error occurred" after a case is reversed and remanded from an appellate

court. *Willowick* at ¶ 35, quoting *State ex rel. Stevenson v. Murray*, 69 Ohio St.2d 112, 113 (1982). Bravo appears to have been mistakenly inserted into the role of defendant at the February 24, 2026 arraignment. On remand, this case can return to that point of the proceeding and then move forward with Vallarta as the defendant.

First, Second, and Third Assignments of Error

{¶14} Bravo asserts that the trial court erred at sentencing by relying on information from outside the record; failing to consider his ability to pay the fines imposed; and ordering a cruel and unusual punishment.

Legal Standard

{¶15} Pursuant to App.R. 12(A)(1)(c), courts of appeals are to render a decision on each assignment of error raised "unless an assignment of error is made moot by a ruling on another assignment of error. . . ." "An assignment of error is moot when it cannot have 'any practical legal effect upon a then-existing controversy.'" *State v. Gideon*, 2020-Ohio-6961, ¶ 26, quoting *Ex parte Steele*, 162 F. 694, 701 (N.D. Ala. 1908). "Put differently, an assignment of error is moot when an appellant presents issues that are no longer live as a result of some other decision rendered by the appellate court." *Gideon* at ¶ 26.

Legal Analysis

{¶16} Since we have already reversed the judgments of the trial court, the arguments that Bravo raises to challenge his sentences are now of no consequence to the disposition of this appeal. Pursuant to App.R. 12(A)(1)(c), we decline to

address the merits of the first, second, and third assignments of error because the arguments raised therein are moot.

Conclusion

{¶17} Having found error prejudicial to the appellant, the judgments of the Marysville Municipal Court are reversed. This cause of action is remanded to the trial court for further proceedings consistent with this opinion.

Judgments Reversed
And Cause Remanded

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

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, it is the judgment and order of this Court that the judgments of the trial court are reversed with costs assessed to Appellee for which judgment is hereby rendered. The cause is hereby remanded to the trial court for further proceedings and 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.

John R. Willamowski, Judge

William R. Zimmerman, Judge

Mark C. Miller, Judge

DATED:
/hls