

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
COSHOCTON COUNTY, OHIO

STATE OF OHIO,

Plaintiff - Appellee

-vs-

TRAVIS V. ADDY,

Defendant - Appellant

Case No. 2025CA0016

Opinion & Judgment Entry

Appeal from the Court of Common Pleas
of Coshoc-ton County,
Case No. 2024CR0106

Judgment: Affirmed

Date of Judgment: July 20, 2026

BEFORE: William B. Hoffman, Craig R. Baldwin, and David M. Gormley, Judges

APPEARANCES: Chrishana L. Carroll (Coshoc-ton County Assistant Prosecuting Attorney), Coshoc-ton, Ohio, for Plaintiff-Appellee; Kimberly Kendall Corral, Cleveland, Ohio, for Defendant-Appellant.

Gormley, J.

{¶1} Defendant Traivis Addy challenges his conviction on one fifth-degree-felony escape charge. The charge stemmed from Addy’s failure to report for one office visit with a parole officer when Addy was under post-release-control supervision. Addy raises eight assignments of error, challenging the sufficiency and manifest weight of the evidence, the racial composition of the jury pool, the State’s decision to charge him, the State’s failure to provide a parole officer’s notes to Addy before the trial, and the trial judge’s decision to allow jurors to see a particular exhibit. For the reasons that follow, we affirm Addy’s conviction.

The Key Facts

{¶2} In 2024, Addy was under post-release-control supervision after he finished serving prison terms for a pair of aggravated-burglary convictions. One of Addy’s supervision

requirements obligated him to obey all orders of his supervising officer, including any order to report for an appointment or meeting with that officer.

{¶3} On December 10, 2024, the parole officer telephoned Addy and ordered him to report the next morning, December 11, at 9:00 a.m. During their phone conversation about the next-day appointment, Addy told the officer that he would not be reporting until he had retained an attorney, and Addy refused to disclose his precise whereabouts. The parole officer then advised Addy that an arrest warrant would be issued if Addy failed to appear as ordered.

{¶4} Addy did not appear on December 11. The parole officer attempted without success to contact Addy at his last known address, and then the officer prepared paperwork designating Addy as a “violator-at-large.”

{¶5} Several days later — on December 18, 2024 — Addy surrendered to law-enforcement officers. Soon thereafter, Addy was indicted on a felony escape charge, and a jury found him guilty on it. Addy now appeals.

Sufficient Evidence Supported Addy’s Conviction on the Escape Charge

{¶6} In his first assignment of error, Addy argues that the State presented insufficient evidence that he “purposely” failed to report to his parole officer.

{¶7} “When reviewing the sufficiency of the evidence, an appellate court does not ask whether the evidence should be believed but, rather, whether the evidence, ‘if believed, would convince the average mind of the defendant’s guilt beyond a reasonable doubt.’” *State v. Pountney*, 2018-Ohio-22, ¶ 19, quoting *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus. ““The relevant inquiry is whether, after viewing the evidence in the 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.’’ *State v. Howell*, 2020-Ohio-174, ¶ 28 (5th Dist.), quoting *Jenks* at paragraph two of the syllabus.

{¶8} To prove the felony escape charge under R.C. 2921.34(A)(3), the State was required to show that Addy, knowing he was under “supervised release detention” (which is a defined term in R.C. 2921.34(D)), purposely broke or attempted to break that detention or purposely failed to return to it. Addy concedes that the State presented evidence that he was under post-release-control supervision, that his supervising officer ordered him to report on December 11, and that he did not appear that day. He claims, though, that the State offered no evidence that he acted purposely. He was, Addy says, consulting with legal counsel and was not evading capture or avoiding his reporting obligation.

{¶9} When we view the evidence in a light most favorable to the State, we readily find that a rational trier of fact could have found that Addy acted purposely. The parole officer told Addy on December 10 that any failure on Addy’s part to appear the next morning would result in the issuance of an arrest warrant for him, and during their phone conversation that day, Addy refused to disclose his whereabouts to the parole officer. Addy then failed to appear as ordered and remained absent for seven days. From this evidence, jurors could have concluded that Addy had the requisite specific intention to violate his supervision obligations. The first assignment of error is overruled.

Addy’s Conviction Was Not Against the Manifest Weight of the Evidence

{¶10} Next, Addy argues that even if the evidence at his trial was sufficient for a conviction, the jury’s guilty verdict ran counter to the manifest weight of the evidence.

{¶11} In determining whether a conviction was against the manifest weight of the evidence, an appellate court acts “as a ‘thirteenth juror,’ and after ‘reviewing the entire record,

weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the jury 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. Hane*, 2025-Ohio-120, ¶ 20 (5th Dist.), quoting *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997). The reversal of a conviction on manifest-weight grounds should occur only in “the ‘exceptional case in which the evidence weighs heavily against the conviction.’” *Id.*

{¶12} Addy argues that because he remained at the same residence, kept the same phone number, had complied with his supervision obligations before this particular seven-day period, and ultimately surrendered voluntarily, the jury should have acquitted him.

{¶13} But Addy told his supervising officer that he would not be reporting until he had obtained counsel, and he refused to disclose his location after being ordered to appear and being warned about the consequences of not reporting. That the jury may very well have looked askance at Addy’s refusal to report and his refusal to disclose his whereabouts does not make this the exceptional case in which the evidence weighs heavily against the verdict. We cannot say that the jury lost its way.

{¶14} The second assignment of error is overruled.

Addy Has Not Shown a Jury-Pool Violation

{¶15} In his third argument, Addy — who is Black — contends that his constitutional right to a jury drawn from a fair cross section of the community was violated because no racial minorities were in the pool of potential jurors who reported for jury service on the day of his trial.

{¶16} “[T]he selection of a petit jury from a representative cross section of the community is an essential component of the Sixth Amendment right to a jury trial.” *State v. Wright*, 2024-Ohio-78, ¶ 15 (5th Dist.), quoting *Taylor v. Louisiana*, 419 U.S. 522, 528 (1975). There is, however, no requirement that any particular jury mirror the community, and a defendant is not entitled to a jury of any particular composition. *Id.* at ¶ 15; *State v. Jones*, 91 Ohio St.3d 335, 339-340 (2001).

{¶17} To establish a prima-facie jury-pool violation, a defendant must show “(1) that the group alleged to be excluded is a “distinctive” group in the community; (2) that the representation of this group in venires from which juries are selected is not fair and reasonable in relation to the number of such persons in the community; and (3) that the underrepresentation is due to systematic exclusion of the group in the jury-selection process.” *Wright* at ¶ 16, quoting *State v. Fulton*, 57 Ohio St.3d 120 (1991), paragraph two of the syllabus, citing *Duren v. Missouri*, 439 U.S. 357, 364 (1979).

{¶18} Addy satisfies the first prong. As an African American, he is a member of a distinctive group for fair-cross-section purposes. *State v. Crosby*, 2016-Ohio-571, ¶ 11 (5th Dist.); *State v. Smalls*, 2001 Ohio App. LEXIS 2244, *8 (5th Dist.). Yet he cannot satisfy the second and third prongs.

{¶19} As to the second prong, Addy points to no jury-pool evidence beyond the fact that the group of potential jurors who reported on the day of his trial had no Black citizens in it. The record contains no statistical evidence that African Americans are underrepresented in Coshocton County jury panels relative to their share of the community’s population. The mere absence of minority members from a single panel of potential jurors does not establish that the county’s process of selecting potential jurors consistently brings in too few minorities.

Crosby at ¶ 11 (rejecting a similar claim where, in a county with a 1.5% African-American population, the appellant produced no evidence of underrepresentation); *State v. Asberry*, 64 Ohio App.3d 314, 320–321 (5th Dist. 1989) (pointing merely to the absence of minorities on one day does not carry the defendant’s burden); *Jones*, 91 Ohio St.3d at 340 (appellant “come[s] forward with no evidence” of unfair representation in relation to community numbers).

{¶20} As to the third prong, Addy has identified no systematic exclusion of minorities from the jury-selection process. He points to no testimony in the record establishing how potential jurors are drawn in the county, no evidence about the racial composition of any pools of potential jurors summoned for trials other than Addy’s, and no evidence of discrimination in the administration of the county’s jury-selection process. Underrepresentation of minorities on a single panel of potential jurors is not systematic exclusion. *Smalls* at *9. Addy’s claim of a jury-pool violation therefore fails on the second and third prongs of the test that we applied most recently in our *Wright* decision.

{¶21} The third assignment of error is overruled.

Addy’s Selective-Prosecution Argument is Unpersuasive

{¶22} In his fourth assignment of error, Addy contends that the State denied him due process and equal protection by charging him with felony escape while resolving administratively what Addy claims was an identical violation by a white parolee.

{¶23} “‘To support a defense of selective or discriminatory prosecution, a defendant bears the heavy burden of establishing, at least *prima facie*, (1) that, while others similarly situated have not generally been proceeded against because of conduct of the type forming the basis of the charge against him, he has been singled out for prosecution, and (2) that the

government's discriminatory selection of him for prosecution has been invidious or in bad faith, *i.e.*, based upon such impermissible considerations as race, religion, or the desire to prevent his exercise of constitutional rights.'" *State v. Flynt*, 63 Ohio St.2d 132, 134 (1980), quoting *United States v. Berrios*, 501 F.2d 1207, 1211 (2d Cir. 1974). The burden of that test is heavy, and discriminatory intent will not be presumed. *Id.* at 135. "A mere showing that another person similarly situated was not prosecuted is not enough; a defendant must demonstrate actual discrimination due to invidious motives or bad faith,'" and the prosecutor enjoys a presumption that his actions were nondiscriminatory. *State v. Haldeman*, 2013-Ohio-4804, ¶ 12–13 (5th Dist.); quoting *State v. Freeman* 20 Ohio St.3d 55, 58 (1985). *See also State v. Geiger*, 2019-Ohio-4338, ¶ 30 (5th Dist.).

{¶24} Here, the record does not establish that Addy's proposed comparator was similarly situated. Indeed, we see no evidence at all in the record on this selective-prosecution claim. Attorneys for the parties simply presented arguments to the trial judge, with the State claiming that the two parolees were supervised by different officers, were subject to different supervision obligations, and engaged in different conduct, and Addy's trial counsel arguing otherwise. The trial court made no factual findings on the issue, and no witnesses testified about any parolee other than Addy.

{¶25} Even had Addy shown that a similarly situated person went unprosecuted after engaging in the same conduct that led to a criminal charge against Addy, differing treatment alone does not establish any sort of invidious, race-based selection for prosecution. We readily find that the trial court was under no obligation to demand a race-neutral explanation for any differing treatment of the two parolees' cases, and further fact-finding in the trial court

was unnecessary. *Haldeman* at ¶ 14, 17 (unsubstantiated allegations do not establish a prima facie case, and no evidentiary hearing is required absent a prima facie showing).

{¶26} The fourth assignment of error is overruled.

Addy Has Not Shown a Prejudicial Discovery Violation

{¶27} Next, Addy argues that the trial court erred by permitting the trial to proceed even though Addy did not receive, until mid-trial, the parole officer's contemporaneous notes about the officer's December 10 phone conversation with Addy.

{¶28} A trial court's response to a claimed discovery violation is reviewed for an abuse of discretion, and the court must impose the least severe sanction consistent with the purposes of discovery. *State v. King*, 2010-Ohio-5701, ¶ 19, 22 (5th Dist.). The State's violation of its discovery obligations under Criminal Rule 16 warrants reversal only upon a showing that ““(1) the prosecution's failure to disclose was a willful violation of the rule, (2) foreknowledge of the information would have benefited the accused in the preparation of his defense, and (3) the accused suffered some prejudicial effect.”” *State v. Butcher*, 2004-Ohio-5572, ¶ 45 (5th Dist.), quoting *State v. Joseph*, 73 Ohio St.3d 450, 458 (1995).

{¶29} Addy cannot satisfy that standard. When Addy's parole officer testified during the trial that he prepares not only so-called written “narratives” documenting his dealings with parolees but also personal notes containing the same information, defense counsel advised the judge that the former had been provided to Addy as part of the discovery process but the latter had not. The judge then allowed defense counsel time to see and review the officer's notes, and defense counsel was also given an opportunity to cross-examine the parole officer about information in those notes.

{¶30} Addy has not shown that any pretrial nondisclosure of the notes was willful, and he also has not shown that foreknowledge of the notes would have benefited his defense or that he was prejudiced by the mid-trial disclosure of them. Indeed, he has identified no discrepancy of any significance between the notes and the earlier-disclosed narratives, and nothing about Addy's cross-examination of the parole officer after the notes had been turned over suggests that the notes contained any new or noteworthy information beyond what had been provided to defense counsel before the trial.

{¶31} Nothing about this scenario indicates that the trial judge should have handled the situation any differently, and we certainly see no basis for overturning Addy's conviction. *See Butcher* at ¶ 47 (no reversal where the failure to disclose was not willful, foreknowledge would not have benefited the defense, and no prejudice resulted); *State v. Napier*, 2001 Ohio App. LEXIS 3507, *11–13 (5th Dist.) (even the willful withholding of evidence did not require reversal where that evidence was not material and no prejudice resulted). Given that the trial court's handling of the issue during the trial allowed for effective cross-examination of the parole officer, that remedy appears to have been appropriately consistent with the least-severe-sanction principle. Nothing harsher was required. *King*, 2010-Ohio-5701, at ¶ 22–23 (5th Dist.).

{¶32} The fifth assignment of error is overruled.

No Brady Violation Occurred

{¶33} In his sixth assignment of error, Addy recasts the same nondisclosure as a violation of *Brady v. Maryland*, 373 U.S. 83 (1963).

{¶34} To establish a *Brady* violation, a defendant must prove that the prosecution failed to disclose evidence favorable to the accused and that the evidence was material. *State*

v. Jacocks, 2003-Ohio-6839, ¶ 76 (5th Dist.). Evidence is material “only if there is ‘a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.’” *Id.*, quoting *State v. Johnston*, 39 Ohio St.3d 48 (1988), paragraph five of the syllabus. And *Brady* is concerned with evidence suppressed and discovered *after* trial: where the evidence “is disclosed during the trial, there is no *Brady* violation.” *State v. Brown*, 2017-Ohio-4231, ¶ 9 (12th Dist.).

{¶35} Addy’s claim fails on both suppression and materiality. The parole officer’s notes from December 10 were produced for inspection and use at trial, so those items were not suppressed within the meaning of *Brady*. *Brown* at ¶ 9–10 (explaining that no *Brady* violation occurs where the matter was addressed during trial and noting that the proper remedy for a mid-trial disclosure issue is a continuance, and any failure to request one effects a forfeiture of the issue). Addy has also failed to show that the officer’s notes were favorable to him or material to his defense. He points to no material inconsistency between the notes and the officer’s disclosed narrative or testimony, and speculation that the earlier disclosure of the notes might have yielded more rigorous cross-examination of the officer does not establish a reasonable probability of a different result. *Jacocks* at ¶ 84–86 (nondisclosed evidence was immaterial where it was cumulative and there was no reasonable probability of a different outcome). No *Brady* violation occurred, and the trial court was not required to take any other steps than it did.

{¶36} The sixth assignment of error is overruled.

An Edited Version of Addy’s Incarceration Paperwork Was Properly Admitted

{¶37} In his seventh assignment of error, Addy contends that the trial court erred under Evidence Rule 403(A) by admitting a document indicating that he had previously been incarcerated.

{¶38} Evidentiary rulings are reviewed for an abuse of discretion. *State v. Elkins*, 2002-Ohio-4051, ¶ 15 (5th Dist.). Under Evidence Rule 403(A), relevant evidence must be excluded where its probative value is substantially outweighed by the danger of unfair prejudice. *State v. Perrine*, 2024-Ohio-6082, ¶ 20 (5th Dist.).

{¶39} The document in question — marked as State’s Exhibit 3 at the trial — posed, in our view, a minimal risk of prejudice to Addy. Though it indicated that Addy had been imprisoned and then placed on post-release-control supervision, it did not list the names of any offenses that led to his imprisonment and did not describe any sentences that he had served. In other words, it contained information that the jury heard multiple times throughout the trial. Visible on the document, too, were the date when Addy’s post-release-control period began and the date when he was categorized as a “violator at large.” Those dates were probative for a legitimate, non-character purpose: they corroborated the parole officer’s testimony about when Addy executed the conditions of his supervision — including the condition that he obey the officer’s orders — and showed when Addy failed to report as directed.

{¶40} Because the exhibit served a genuine evidentiary purpose, and because its probative value was not substantially outweighed by the danger of unfair prejudice, the trial court did not abuse its discretion in admitting it.

{¶41} The seventh assignment of error is overruled.

There Is No Cumulative Error

{¶42} In his eighth assignment of error, Addy contends that the cumulative effect of what he describes as the trial court's errors deprived him of a fair trial. Yet the cumulative-error doctrine has no application in a case like this, where we have found no support for the view that trial-court proceedings were marked by multiple errors. *See State v. Wilson*, 2026-Ohio-1178, ¶ 29 (1st Dist.) (to find cumulative error, a court must find not only multiple errors but also a reasonable probability that the outcome would have been different but for their combination); *State v. Remillard*, 2019-Ohio-3545, ¶ 83-84 (5th Dist.) ("a cumulative-error analysis should evaluate only the effect of matters determined to be error, not the cumulative effect of non-errors").

{¶43} The eighth assignment of error is overruled.

{¶44} For the reasons explained above, the judgment of the Court of Common Pleas of Coshocton County is affirmed. Costs are to be paid by appellant Traivis Addy.

By: Gormley, J.;

Hoffman, P.J. and

Baldwin, J. concur.