[Cite as *State v. Lawson*, 2026-Ohio-3277.]

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

STATE OF OHIO Plaintiff - Appellee -vs- RAFFAEL LAWSON Defendant - Appellant	Case No. 2025CA00050 Opinion And Judgment Entry Appeal from the Court of Common Pleas, Case No. 2022 CR 173 Judgment: Affirmed Date of Judgment Entry: August 21, 2026

BEFORE: Andrew J. King; Robert G. Montgomery; Kevin W. Popham, Judges

APPEARANCES: R. KYLE WITT, MARK A. BALAZIK, for Plaintiff-Appellee; ALLISON F. HIBBARD, for Defendant-Appellant.

King, P.J.

{¶ 1} Defendant-Appellant Raffael Lawson appeals the November 24, 2025 judgment of the Fairfield County Court of Common Pleas which denied his motion for postconviction relief. Plaintiff-Appellee is the State of Ohio. We affirm the trial court.

Facts and Procedural History

{¶ 2} In February and April of 2022, Lawson was involved in two separate instances of using drones to drop drugs into the prison yards at the Richland County Correctional Institution and the Southeastern Correctional Institution in Fairfield County. He was later charged with 17 felonies and one misdemeanor in connection with these activities.

{¶ 3} Following a jury trial, Lawson was convicted on 15 felony counts and the misdemeanor. He was sentenced to a 12-year prison term.

{¶ 4} Lawson timely appealed and this court found the state had failed to produce sufficient evidence of one of those felonies — engaging in a pattern of corrupt activity — and trial court had failed to fully advise him about the indefinite-sentencing process in Ohio. We vacated Lawson's conviction on count one of the indictment, engaging in a pattern of corrupt activity, and further remanded the matter for a resentencing hearing in accordance with R.C. 2929.19(B)(2)(c) on count six of the indictment, aggravated trafficking. *State v. Lawson*, 2025-Ohio-934 (5th Dist.).

{¶ 5} On August 21, 2025, Lawson timely filed a motion for postconviction relief raising two claims of constitutional error, specifically: 1.) Ineffective assistance of trial counsel for failing to investigate and call his nephew, Darius Lawson as a witness at trial and 2.) a chain-of-custody argument regarding Sergeant Robinson's alleged failure to enter a seized cell phone into evidence.

{¶ 6} On November 24, 2025, the trial court dismissed Lawson's petition without a hearing. This appeal followed. Lawson raises three assignments of error as follows:

I

{¶ 7} "THE TRIAL COURT ERRED IN FAILING TO HOLD AN EVIDENTIARY HEARING ON APPELLANT'S PETITION FOR POST-CONVICTION RELIEF."

II

{¶ 8} "THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING APPELLANT'S PETITION FOR POST-CONVICTION RELIEF AS APPELLANT ESTABLISHED A CONSTITUTIONAL VIOLATION."

III

{¶ 9} "THE TRIAL COURT ERRED IN CONSIDERING THE STATE'S OPPOSITION AND ATTACHED SUPPORTING EVIDENCE, AS IT WAS UNTIMELY SUBMITTED AND NO GOOD CAUSE EXISTED FOR EXPANDING THE TIME TO FILE A RESPONSE."

I, II

{¶ 10} We address Lawson's first and second assignments of error together. In these assignments of error, Lawson argues the trial court erred in denying his petition without a hearing. We disagree.

Standard of Review

{¶ 11} An appellate court reviews a trial court's denial of a petition for post-conviction relief without a hearing under an abuse of discretion standard. *State v. Watson*, 126 Ohio App. 3d 316, 324 (1988). "Abuse of discretion" means an attitude that is unreasonable, arbitrary or unconscionable. *Huffman v. Hair Surgeon, Inc.*, 19 Ohio St.3d 83, 87 (1985). Most instances of abuse of discretion will result in decisions that are simply unreasonable, rather than decisions that are unconscionable or arbitrary. *AAAA Ent., Inc. v. River Place Community Urban Redev. Corp.*, 50 Ohio St.3d 157, 161 (1990). An unreasonable decision is one backed by no sound reasoning process that would support that decision. *Id*. "It is not enough that the reviewing court, were it deciding the issue de novo, would not have found that reasoning process to be persuasive, perhaps in view of countervailing reasoning processes that would support a contrary result." *Id*.

Postconviction Relief Principles

{¶ 12} Although designed to address claimed constitutional violations, the post-conviction relief process is a civil collateral attack on a criminal judgment, not an appeal of that judgment. *State v. Calhoun*, 86 Ohio St.3d 279, 281 (1999); *State v. Steffen*, 70 Ohio St.3d 399, 410 (1994). A petition for post-conviction relief does not provide a petitioner a second opportunity to litigate his conviction, nor is the petitioner automatically entitled to an evidentiary hearing on the petition. *State v. Lewis*, 2008-Ohio-3113, ¶ 8 (5th Dist.), citing *State v. Jackson*, 64 Ohio St.2d 107, 110 (1980).

{¶ 13} Regarding Lawson's entitlement to a hearing, a petitioner's right to a hearing is not automatic. *State v. Calhoun*, 86 Ohio St.3d 279, 282 (1999); *State v. Jackson*, 64 Ohio St.2d 107, 111 (1980). Rather, R.C. 2953.21(D) provides that before granting such a hearing, the court shall determine whether there are "substantive grounds for relief." In making that determination, "the court shall consider, in addition to the petition, the supporting affidavits, and the documentary evidence, all the files and records pertaining to the proceedings against the petitioner, including, but not limited to, the indictment, the court's journal entries, the journalized records of the clerk of the court, and the court reporter's transcript." R.C. 2953.21(F) further states the trial court must hold a prompt hearing "unless the petition and the files and records of the case show the petitioner is not entitled to relief." "[B]road assertions without a further demonstration of prejudice do not warrant a hearing for all post-conviction petitions. General conclusory allegations to the effect that a defendant has been denied effective assistance of counsel are inadequate as a matter of law to impose an evidentiary hearing." *State v. Lichtenwalter*, 2021-Ohio-1394, ¶ 42 (5th Dist.), citing State v. Jackson, 64 Ohio St.2d 107, 111 (1980).

{¶ 14} Lawson therefore bore the initial burden to "submit evidentiary documents containing sufficient operative facts to demonstrate . . . " "that [constitutional] errors did occur and that the errors resulted in prejudice." *Calhoun* at 283, quoting *Jackson*, supra, at syllabus; *State v. Bunch*, 2022-Ohio-4723, ¶ 24. If the record on its face disproves the petitioner's claims, the court may dismiss the petition without a hearing. *State v. Wright*, 2023-Ohio-2895, ¶ 21. In other words, the trial court performs a gatekeeping role as to whether a defendant will receive a hearing and may dismiss a petition without a hearing "where the petition, the supporting affidavits, the documentary evidence, the files, and the records do not demonstrate that petitioner set forth sufficient operative facts to establish substantive grounds for relief." *State v. Calhoun*, 86 Ohio St. 3d 279, paragraph two of the syllabus; *State v. Clinton*, 2024-Ohio-4720, ¶¶ 17-19, quoting *Bunch*, ¶ 23.

{¶ 15} Additionally, under the doctrine of res judicata, a final judgment of conviction bars a convicted defendant who was represented by counsel from raising and litigating in any proceeding, except an appeal from that judgment, any defense or any claimed lack of due process that was raised or could have been raised by the defendant at the trial, which resulted in that judgment of conviction, or on an appeal from that judgment. *State v. Szefcyk*, 77 Ohio St.3d 93 (1996), syllabus, approving and following *State v. Perry*, 10 Ohio St.2d 175 (1967), paragraph nine of the syllabus. It is well settled that, "pursuant to res judicata, a defendant cannot raise an issue in a [petition] for post-conviction relief if he or she could have raised the issue on direct appeal." *State v. Reynolds*, 79 Ohio St.3d 158, 161 (1997). Accordingly, "[t]o survive preclusion by res judicata, a petitioner must produce new evidence that would render the judgment void or voidable and must also show that he could not have appealed the claim based upon information contained in the original record." *State v. Nemchik*, 2000 Ohio App.

LEXIS 836, 2000 WL 254908 (9th Dist); see, also, *State v. Ferko*, 2001-Ohio-1402, *6 (9th Dist.). The presentation of competent, relevant, and material evidence dehors the record may defeat the application of res judicata. See *State v. Smith*, 17 Ohio St.3d 98, 101, fn. 1 (1985).

{¶ 16} When as here, a petitioner raises a claim of ineffective assistance of trial counsel in a postconviction relief petition, res judicata does not bar a postconviction claim when either of the following apply: (1) the petitioner had the same attorney at trial and on appeal; or (2) the petitioner must rely on evidence "outside the trial record" to establish his claim for relief. *State v. Clinton*, 2024-Ohio-4720, ¶ 21 (6th Dist.). Conversely, when the petitioner had a new attorney on appeal, and the claim could have been litigated based on the trial record, res judicata applies and the postconviction claim is barred. *Id.*

Lawson's Complaints

{¶ 17} Lawson's petition first alleged his trial counsel rendered ineffective assistance when counsel failed to call Darius Lawson, Lawson's nephew, to testify at trial in regard to the Richland County incident which took place on February 5, 2022.

{¶ 18} To prevail on a claim of ineffective assistance of counsel, a defendant must demonstrate: (1) deficient performance by counsel, i.e., that counsel's performance fell below an objective standard of reasonable representation, and (2) that counsel's errors prejudiced the defendant, i.e., a reasonable probability that but for counsel's errors, the result of the trial would have been different. *Strickland v. Washington*, 466 U.S. 668, 687-688 (1984); *State v. Bradley*, 42 Ohio St.3d 136 (1989), paragraphs two and three of the syllabus. "Reasonable probability" is "probability sufficient to undermine confidence in the outcome." *Strickland* at 694.

{¶ 19} Because there are countless ways to provide effective assistance in any given case, judicial scrutiny of a lawyer's performance must be highly deferential. *Strickland*, 466 U.S. 668 at 694. "Decisions on strategy and trial tactics are granted wide latitude of professional judgment, and it is not the duty of a reviewing court to analyze trial counsel's legal tactics and maneuvers." *State v. Quinones*, 2014-Ohio-5544, ¶ 18 (8th Dist.). Decisions about which witnesses to call involve matters committed to counsel's professional judgment. *State v. Williams*, 2003-Ohio-4396, ¶ 127 "Generally, counsel's decision whether to call a witness falls within the rubric of trial strategy and will not be second-guessed by a reviewing court." *State v. Treesh*, 90 Ohio St.3d 460, 490 (2001).

{¶ 20} We first note that Lawson had different counsel at trial and on appeal. Thus, in order to defeat the res judicta bar, Lawson was required to provide competent, credible evidence outside the record to establish his claim.

{¶ 21} With his petition, Lawson submitted an affidavit from his nephew, Darius Lawson. In his affidavit, Darius appears to claim that on February 5, 2022, he was simply asked to go for a ride with Lawson's co-conspirator Derrick Richardson. He asserts he had no idea what Richardson was doing, yet rode with Richardson from Lawson's home in Medina to Mansfield with drones and packages which Richardson stated he was going to drop into the prison yard in Mansfield. Darius further claims that Richardson's car broke down and Lawson merely arrived to pick them up and take them home.

{¶ 22} We first note that other evidence presented at trial refuted Darius' claim that Lawson was not involved in the contraband drone deliveries making the credibility of Darius' affidavit suspect. Most notably, Lawson and Richardson were involved in a second drone contraband drop at Southeastern Correctional Facility two months after the incident at

Mansfield Correctional. The second incident was carried out in the same manner as the first with Lawson driving. Transcript of trial, 222-229, 250-261, State's exhibit 18. Moreover, Darius could well have implicated himself by providing testimony, a situation counsel could reasonably decide to avoid. As noted above, trial counsel's decision as to which witness to call "falls within the rubric of trial strategy and will not be second-guessed by a reviewing court." *State v. Treesh*, 90 Ohio St.3d 460, 490 (2001).

{¶ 23} Second, without even considering Darius' affidavit, Lawson was aware of Darius' presence at Mansfield Correctional before he was even indicted. He therefore could have raised trial counsel's failure to call Darius as a witness at trial in his direct appeal, but failed to do so. Lawson was therefore barred by the doctrine of res judicata from raising the matter in a petition for postconviction relief.

{¶ 24} Lawson's second ground for relief alleged trial counsel rendered ineffective assistance when he failed to introduce evidence that an investigator involved in the April incident broke the chain of custody of his seized cell phone. With this allegation, Lawson provided a screen shot which allegedly showed his iPhone at Sergeant Robinson's home on April 28, 2022. Lawson alleges he used the "find my phone" feature to obtain this information. Sergeant Robinson's affidavit, submitted along with the State's response to Lawson's petition, indicates she entered Lawson's phone into evidence at 7:30 a.m. on April 20, 2025.

{¶ 25} Even if that were not true, however, once again, Lawson was aware of this information well before trial and therefore could have also presented this alleged error in his direct appeal. His claim was therefore barred by res judicata in his petition for postconviction relief.

{¶ 26} Finally, we note that even if Lawson's evidentiary chain of custody claim was not barred, no evidence was extracted from Lawson's phone or presented at trial. Transcript of trial at 271. Moreover, even if the State had presented any evidence from the phone, a break in the chain of custody goes to the weight of the evidence, not its admissibility. Lawson could not, therefore, demonstrate prejudice. *State v. Gross*, 2002-Ohio-5324, ¶ 57.

{¶ 27} Lawson has failed to demonstrate that the trial court abused its discretion when it denied his petition for postconviction relief. Accordingly, the first and second assignments of error are overruled.

III

{¶ 28} In his final assignment of error, Lawson argues the trial court erred in considering the State's response to his petition and its supporting evidence because it was not timely submitted. We disagree.

{¶ 29} First, we have generally recognized that a trial court has the inherent authority to manage its own proceedings and control its own docket. *Love Properties, Inc. v. Kyles*, 2007-Ohio-1966, ¶ 37 (5th Dist.).

{¶ 30} Next, Lawson filed his petition on August 21, 2025. R.C. 2953.21(E) provides "Within ten days after the docketing of the petition, *or within further time that the court may fix for good cause shown*, the prosecuting attorney shall respond by answer or motion." Emphasis added.

{¶ 31} Third, the record reflects a flurry of motions were filed in this matter following the filing of Lawson's motion for postconviction relief. First, counsel for Lawson publicly filed an exhibit with Lawson's petition which disclosed the address of the personal residence of a law enforcement officer involved in the investigation of this matter. It was therefore necessary

for the State to file a motion to redact that personal information from the record. That motion was filed on August 26, 2025. On August 29, 2025, the trial court filed a notice of non-oral hearing on Lawson's petition for September 29, 2025. The notice indicated that any written response or objections to Lawson's petition were to be filed shall be filed before the September 29, 2025 non-oral hearing date. On September 4, 2025, the trial court granted the State's motion to redact. On September 15, 2025 the parties filed a joint motion to continue the resentencing hearing. On September 11, 2025, the trial court continued the resentencing hearing until further order of the court. On September 17, 2025, Lawson filed a demand for discovery. On September 26, 2025, Lawson filed a motion for an oral hearing on his petition. On September 29, 2025, the State filed its response to Lawson's petition meeting the trial court's deadline to do so. On October 2, 2025 the State filed a motion in opposition to Lawson's demand for discovery. The following day, Lawson filed a reply to the State's motion in opposition to his demand for discovery.

{¶ 32} Through all of this, we note Lawson never objected to the trial court's extension of time for the State to respond to his petition for postconviction relief. He has therefore forfeited all but plain error. An error not raised in the trial court must be plain error for an appellate court to reverse. *State v. Long*, 53 Ohio St.2d 91 (1978) at paragraph one of the syllabus; Crim.R. 52(B). In order to prevail under a plain error analysis, appellant bears the burden of demonstrating that the outcome of the [proceeding] clearly would have been different but for the error. *Id.* at paragraph two of the syllabus. Notice of plain error "is to be taken with the utmost caution, under exceptional circumstances and only to prevent a manifest miscarriage of justice." *Id.* at paragraph three of the syllabus.

{¶ 33} Lawson has failed to raise or argue plain error. Instead, he complains that because the State did not file its response to his petition until the last possible day designated by the trial court, he was denied an opportunity to respond. We note that R.C. 2953.21 does not provide for a reply from the petitioner. Even so, Lawson never requested leave to file a reply. Finally, Lawson has failed to demonstrate that the outcome of the proceeding would have been any different but for the alleged error. We therefore find Lawson's complaint without merit.

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

{¶ 35} The judgment of the Fairfield County Court of Common Pleas is affirmed. Costs to Appellant.

By: King, P. J.

Montgomery, J. and

Popham, J. concur.