

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

STATE OF OHIO

Plaintiff - Appellee

-vs-

RASHAUN M. RAMSEY

Defendant - Appellant

Case No. 2026 CA 0049

Opinion and Judgment Entry

Appeal from the Richland County Court of
Common Pleas, Case No. 14-CR-0343R

Judgment: Affirmed

Date of Judgment Entry: August 26, 2026

BEFORE: William B. Hoffman; Craig R. Baldwin; Robert G. Montgomery, Judges

APPEARANCES: Jodie M. Schumacher, Richland County Prosecuting Attorney, Michelle Fink, Assistant Prosecuting Attorney, for Plaintiff-Appellee; Rashaun Ramsey, Pro se, for Defendant-Appellant.

Hoffman, P.J.

{¶1} Defendant-Appellant Rashaun M. Ramsey appeals the May 8, 2026, Judgment Entry entered in the Richland County Common Pleas Court denying his “motion to vacate sexually violent predator specification and to correct sentence not authorized by law.” Plaintiff-Appellee is the State of Ohio.

STATEMENT OF THE CASE AND FACTS

{¶2} On June 5, 2014, the Richland County Grand Jury indicted Appellant on one count of Rape, in violation of R.C. §2907.02(A)(2), a first-degree felony, two counts of Kidnapping, in violation of R.C. §2905.01(A)(3) and (4), first-degree felonies, one count of Possession of Heroin, in violation of R.C. §2925.11(A) & (C)(6)(a), a fifth-degree felony, one count of Possession of Cocaine, in violation of R.C. §2925.11(A) & (C)(4)(a), a fifth degree felony, and one count of Failure of Sexually Oriented Offender to Notify of Change of Address, in violation of R.C. §2950.05(F)(1), a first-degree felony. The indictment also included Sexually Violent Predator specifications on the Rape and Kidnapping counts, Sexual Motivation specifications on the Kidnapping counts, and Forfeiture specifications on the drug possession counts.

{¶3} A statement of the facts underlying Appellant's criminal convictions is not necessary to our resolution of this appeal. A complete review of the facts may be found in our opinion at *State v. Ramsey*, 2015-Ohio-4812 (5th Dist.), appeal not allowed. [*Ramsey I*].

{¶4} On July 21, 2014, Appellant filed a motion requesting the Sexually Violent Predator and Sexual Motivation specifications be tried to the court. Pursuant to a Judgment Entry filed on July 31, 2014, the trial court granted Appellant's motion.

{¶5} The matter proceeded to trial by jury and Appellant was found guilty as charged on all counts.

{¶6} On August 12, 2014, the trial court heard evidence on the Sexually Violent Predator specifications attached to the Rape and Kidnapping counts and the Sexual Motivation specifications attached to the Kidnapping counts.

{¶7} By Judgment Entry filed August 20, 2014, the trial court filed Findings of Fact and Conclusions of Law, finding Appellant guilty of the Sexual Motivation specification attached to Count II (Kidnapping) and guilty of the Sexually Violent Predator specifications attached to Count I (Rape) and Count II (Kidnapping). The trial court found Appellant not guilty of the Sexual Motivation specifications as attached to Count III (Kidnapping) and found the Sexually Violent Predator specification did not apply to this count.

{¶8} The trial court sentenced Appellant to an aggregate prison sentence of twenty-five (25) years to life. Appellant filed a direct appeal of his convictions and sentence in *Ramsey I, supra*, in which this Court overruled his six assignments of error and affirmed his convictions and sentence. See *State v. Ramsey*, 2015-Ohio-4812, ¶ 1 (5th Dist.).

{¶9} On September 25, 2023, Appellant filed a motion with the trial court "to dispose of pending specifications in open court proceedings and to provide defendant with a final appealable order." Specifically, Appellant argued the trial court did not find him guilty or not guilty of the specifications attached to Count III of the indictment, Kidnapping.

{¶10} By Judgment Entry filed October 2, 2023, the trial court overruled Appellant's motion, noting its "Findings of Fact and Conclusions of Law Regarding Specifications" filed August 14, 2014, stated Appellant was found not guilty of the Sexual Motivation specification and further found the Sexually Violent Predator specification did not apply to the charge absent the finding of a sexual motivation.

{¶11} Appellant appealed the October 2, 2023, decision to this Court. See *State v. Ramsey*, 2024-Ohio-2000, ¶ 8 (5th Dist.) [*Ramsey II*]. In that appeal this Court found Appellant was barred by the doctrine of *res judicata* from raising any alleged errors in any manner other than direct appeal. *Ramsey II* at ¶19.

{¶12} On April 28, 2026, Appellant filed a “motion to vacate sexually violent predator specification and to correct sentence not authorized by law.”

{¶13} On May 8, 2026, the trial court denied Appellant’s motion.

{¶14} Appellant now appeals the May 8, 2026, decision, raising the following errors for review:

I. THE TRIAL COURT ERRED BY APPLYING RES JUDICATA TO BAR REVIEW OF A RECORD BASED STATUTORY CHALLENGE DIRECTED TO THE LEGAL INTERPRETATION EXPRESSLY ADOPTED IN THE MAY 8, 2026 ORDER, WHERE THAT INTERPRETATION WAS NEVER RAISED, LITIGATED, OR DECIDED IN ANY PRIOR APPEAL. THE ERROR APPEARS IN THE MAY 8, 2026 ORDER OVERRULING MOTION TO VACATE, APPENDIX A, PAGES 3 THROUGH 5.

II. THE TRIAL COURT ERRED AS A MATTER OF LAW BY INTERPRETING R.C. 2971.01(H) IN A MANNER THAT TREATED THE RETROSPECTIVE EVIDENTIARY FACTORS IN SUBSECTION (H)(2) AS AUTOMATICALLY SUFFICIENT TO SATISFY THE INDEPENDENT FUTURE LIKELIHOOD REQUIREMENT IN SUBSECTION (H)(1). THE ERROR APPEARS IN THE MAY 8, 2026 ORDER, APPENDIX A, PAGES 4 THROUGH 5, AND IN THE AUGUST 20, 2014 FINDINGS, APPENDIX B, PAGE 2.

III. THE TRIAL COURT ERRED BY BASING THE FUTURE-
LIKELIHOOD DETERMINATION ON PRIOR CONVICTIONS ALONE,
THEREBY FAILING TO ARTICULATE AN INDEPENDENT
PREDICTIVE DETERMINATION AND DEPRIVING THE PHRASE
"LIKELY TO ENGAGE IN THE FUTURE" OF OPERATIVE MEANING.
THE ERROR APPEARS IN THE AUGUST 20, 2014 FINDINGS,
APPENDIX B, PAGE 2, AND IS REAFFIRMED IN THE MAY 8, 2026
ORDER APPENDIX A, PAGE 5.

IV. THE TRIAL COURT'S ERROR INFECTED THE LEGAL
STANDARD GOVERNING PROOF OF THE ENHANCEMENT ITSELF,
BECAUSE THE COURT TREATED EVIDENCE THAT MAY TEND TO
INDICATE FUTURE LIKELIHOOD AS LEGALLY EQUIVALENT TO
PROOF OF FUTURE LIKELIHOOD BEYOND A REASONABLE
DOUBT. THE ERROR APPEARS IN THE MAY 8, 2026 ORDER,
APPENDIX A, PAGE 5, AND IN THE AUGUST 20, 2014 FINDINGS,
APPENDIX B, PAGE 2.

V. THE TRIAL COURT IMPROPERLY TREATED *STATE V.*
RAMSEY, 2024-OHIO-2000, AS FORECLOSING REVIEW EVEN
THOUGH THAT DECISION ADDRESSED WHETHER COUNT III
SPECIFICATIONS WERE RESOLVED AND JOURNALIZED, NOT
WHETHER THE COUNTS I AND II SVP SPECIFICATIONS WERE
IMPOSED UNDER THE CORRECT STATUTORY FRAMEWORK. THE

ERROR APPEARS IN THE MAY 8, 2026 ORDER, APPENDIX A, PAGES
2 THROUGH 5.

I, II, III, IV and V

{¶15} In each of his assignments of error, Appellant challenges the trial court's verdict on the specifications following the bench trial. We shall therefore address the assignments of error simultaneously.

{¶16} Upon review, we find the trial court's August 20, 2014, Judgment Entry was a final appealable order and the error assigned herein could have been included in Appellant's direct appeal. We therefore find Appellant's arguments are barred by the doctrine of *res judicata*.

{¶17} The doctrine of *res judicata* provides any issue that could have been raised on direct appeal, and was not, is barred in later proceedings and not subject to review. *State v. Saxon*, 2006-Ohio-1245, ¶ 16. Because any non-void sentencing errors are required to be raised on direct appeal, Appellant is barred by the doctrine of *res judicata* from raising any alleged errors in any manner other than direct appeal. *State v. Hill*, 2016-Ohio-1214, ¶ 16 (5th Dist.).

{¶18} Appellant's assignments of error are overruled.

{¶19} The judgment of the Richland County Court of Common Pleas is affirmed.

{¶20} Costs to Appellant.

By: Hoffman, P.J.

Baldwin, J. and

Montgomery, J. concur.