

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

STATE OF OHIO,

Plaintiff - Appellee

-vs-

JEREMIAH SANTI FALL,

Defendant - Appellant

Case No. 2026 CA 00007

Opinion And Judgment Entry

Appeal from the Fairfield County Court of
Common Pleas, Case No. 2025CR00312

Judgment: Affirmed

Date of Judgment Entry: October 13, 2026

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

APPEARANCES: R. KYLE WITT, Fairfield County Prosecuting Attorney by
CHRISTOPHER A. REAMER, for Plaintiff-Appellee; CHRISTOPHER BAZELEY, for
Defendant-Appellant.

Montgomery, J.

{¶1} Defendant-appellant Jeremiah Fall appeals the judgment entered by the Fairfield County Common Pleas Court convicting him following jury trial of aggravated burglary (R.C. 2911.11(A)(1)), complicity to aggravated robbery (R.C. 2911.01(A)(1)), and complicity to felonious assault (R.C. 2903.11(A)(1)), all with accompanying firearm specifications, and sentencing him to an aggregate term of incarceration of eleven to twelve and one-half years. Plaintiff-appellee is the State of Ohio.

STATEMENT OF THE FACTS AND CASE

{¶2} Appellant and his sister, S.S., knew a woman named Nene Hawa Ba for many years through family connections. In May of 2025, S.S., who was a minor, was staying with Ba at Ba's apartment.

{¶3} Ba was in a relationship with the victim, M.W., and the couple shared a five-month-old child. On May 16, 2025, Ba and M.W. were in a disagreement over damage to Ba's car which the victim had caused. Ba and S.S. went to the victim's residence while he was at work and took clothing and shoes. The victim agreed that he would pay for the damage to Ba's car if Ba returned the items later that day.

{¶4} Ba and S.S. returned to Ba's apartment. Appellant and three unidentified masked men came to Ba's apartment. S.S. took a picture of the men. Appellant was the only one who was not wearing a mask. The men left the apartment.

{¶5} After 9:00 p.m., Ba, her baby, and S.S. traveled to the victim's apartment to return the items Ba had taken earlier in the day. After they were inside the apartment, four masked men entered the apartment. In the entryway, the men used guns to pistol-whip the victim. The victim moved to the living room and was told by his assailants to sit down. Two of the men held him at gunpoint while the others gathered up the victim's property, including clothing, shoes, and a gaming system. The men fled.

{¶6} Ba told police she recognized Appellant's voice inside the apartment. She told police Appellant had a gun. The victim recognized Appellant's voice from hearing Appellant speak to Ba on the telephone. The victim stated that all four men had firearms and all four men participated in beating him.

{¶7} S.S. had video-recorded a portion of the assault. When interviewed by police, S.S. stated that Appellant was one of the men who entered the apartment. While S.S. was in the police cruiser, Appellant sent her a message on her phone telling S.S. not to “snitch.” Tr. 283.

{¶8} Appellant was interviewed by police. Initially he denied any involvement in the crime. However, after police told him S.S. made statements which placed him at the scene, he told police that Ba asked him to beat up the victim because she was angry with him. Appellant told Ba he knew a man named “Nine” who carried guns and would do a robbery for money.

{¶9} Appellant was indicted by the Fairfield County Grand Jury with aggravated burglary, aggravated robbery, and felonious assault. Each count included a firearm specification.

{¶10} The case proceeded to jury trial. At trial, S.S. testified that Appellant was not in the living room when the men assaulted the victim. She testified Ba told the men to beat up the victim and make it look like a robbery. Appellant admitted at trial that he was at the victim’s apartment building, but claimed he never entered the victim’s apartment.

{¶11} Prior to deliberations, the State requested a jury instruction under an alternative theory that Appellant acted in complicity as to all of the charged offenses. The trial court included alternative complicity charges and verdict forms for all counts. The jury found Appellant guilty of aggravated burglary, guilty of complicity to aggravated robbery, and guilty of complicity to felonious assault.

{¶12} Appellant argued the convictions should all merge for purposes of sentencing because this was “essentially” one act from the time they entered the apartment until they left

the apartment. Sent. Tr. 13. The trial court found the offenses were committed by way of separate conduct and by separate intent and did not merge the offenses. Sent. Tr. 20. The trial court sentenced Appellant to an aggregate term of incarceration of eleven to twelve and one-half years.

{¶13} It is from the February 3, 2026, judgment of the trial court Appellant prosecutes his appeal, assigning as error:

“I. FALL’S CONVICTION FOR AGGRAVATED BURGLARY IS AGAINST THE WEIGHT OF THE EVIDENCE AND NOT SUPPORTED BY LEGALLY SUFFICIENT EVIDENCE.”

“II. THE TRIAL COURT ERRED WHEN IT FAILED TO MERGE FALL’S CONVICTIONS FOR SENTENCING PURPOSES.”

I.

{¶14} Appellant argues that his conviction for aggravated burglary is against the manifest weight of the evidence and is not supported by sufficient evidence.

STANDARD OF REVIEW

{¶15} The legal concepts of sufficiency of the evidence and weight of the evidence are both quantitatively and qualitatively different. *State v. Thompkins*, 78 Ohio St.3d 380, paragraph two of the syllabus (1997). Sufficiency of the evidence is a test of adequacy as to whether the evidence is legally sufficient to support a verdict as a matter of law, while weight of the evidence addresses the evidence's effect of inducing belief. *Id.* at 386-387. A finding that a conviction is supported by the manifest weight of the evidence, however, necessarily includes a finding that the conviction is supported by sufficient evidence and will therefore be

dispositive of the issues of sufficiency of the evidence. *State v. McCrary*, 2011-Ohio-3161, ¶ 11 (10th Dist.).

{¶16} An appellate court's function when reviewing the sufficiency of the evidence is to determine 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. *State v. Jenks*, 61 Ohio St.3d 259, paragraph two of the syllabus (1991).

{¶17} The term “manifest weight of the evidence” relates to persuasion. *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 19. It concerns “the inclination of the greater amount of credible evidence, offered in a trial, to support one side of the issue rather than the other.” (Emphasis deleted.) *Thompkins* at 387; *State v. Martin*, 2022-Ohio-4175, ¶ 26.

{¶18} In determining whether a judgment is against the manifest weight of the evidence, an appellate court reviews 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.” *Thompkins* at 387, quoting *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist.1983). Sitting as the “thirteenth juror,” the court of appeals considers whether the evidence should be believed and may overturn a verdict if it disagrees with the trier of fact's conclusion. *Id.*

{¶19} When conducting a manifest weight review, the question is whether the jury clearly lost its way in resolving conflicts, resulting in a manifest miscarriage of justice, even if the evidence is legally sufficient. *Thompkins* at 387; *State v. Issa*, 93 Ohio St.3d 49, 67 (2001). Appellate courts have traditionally presumed the jury's assessment is correct, given its ability

to observe witnesses' demeanor, gestures, and tone, all critical factors in evaluating credibility. *Eastley*, 2012-Ohio-2179, at ¶ 21; *Seasons Coal Co., Inc. v. Cleveland*, 10 Ohio St.3d 77, 80 (1984).

{¶20} A manifest-weight claim succeeds only in “the exceptional case in which the evidence weighs heavily against the conviction.” (Internal quotations omitted.) *Thompkins* at 387. To reverse a conviction on manifest-weight grounds, all three judges on the appellate panel must concur. Ohio Const., Art. IV, § 3(B)(3); *Bryan-Wollman v. Domonko*, 2007-Ohio-4918, ¶¶ 2-4, citing *Thompkins* at syllabus ¶ 4.

ANALYSIS

{¶21} Appellant was convicted of aggravated burglary in violation of R.C. 2911.11(A)(1):

No person, by force, stealth, or deception, shall trespass in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, when another person other than an accomplice of the offender is present, with purpose to commit in the structure or in the separately secured or separately occupied portion of the structure any criminal offense, if any of the following apply:

The offender inflicts, or attempts or threatens to inflict physical harm on another[.]

{¶22} Appellant argues there was no credible evidence that he inflicted, attempted to inflict, or threatened to inflict physical harm on the victim.

{¶23} The victim testified that all four men had firearms, and that all four men participated in pistol-whipping him. A video was played for the jury in which a masked man was heard threatening to kill the victim. The victim identified the voice on the video as

Appellant's voice. We find the victim's testimony, if believed by the jury, was sufficient to prove that Appellant inflicted and threatened to inflict physical harm on the victim.

{¶24} We further find that the judgment is not against the manifest weight of the evidence. While Appellant and his sister testified that he was not in the apartment and did not participate in the beating, S.S. earlier told police that Appellant was inside the apartment, although denying that he was involved in the beating. While S.S. was in the police cruiser, Appellant messaged her not to snitch. Ba told police that all four men had firearms and testified at trial that Appellant had a firearm. “[A]n appellate court will leave the issues of weight and credibility of the evidence to the factfinder, as long as a rational basis exists in the record for its decision.” *State v. Sheppard*, 2025-Ohio-161, ¶ 66 (5th Dist.). We find the jury did not lose its way in believing the testimony of the victim over the testimony of Appellant and his sister.

{¶25} The first assignment of error is overruled.

II.

{¶26} In his second assignment of error, Appellant argues the trial court erred by failing to merge all three convictions.

STANDARD OF REVIEW AND APPLICABLE LAW

{¶27} R.C. 2941.25 governs allied offenses:

Where the same conduct by defendant can be construed to constitute two or more allied offenses of similar import, the indictment or information may contain counts for all such offenses, but the defendant may be convicted of only one.

Where the defendant's conduct constitutes two or more offenses of dissimilar import, or where his conduct results in two or more offenses of the same or similar kind committed separately or with a separate animus as to each, the indictment or information may contain counts for all such offenses, and the defendant may be convicted of all of them.

{¶28} This test requires a court to ask three questions in conducting a merger analysis: “(1) Were the offenses dissimilar in import or significance? (2) Were they committed separately? and (3) Were they committed with separate animus or motivation? An affirmative answer to any of [these questions] will permit separate convictions. The conduct, the animus, and the import must all be considered.” *State v. Ruff*, 2015-Ohio-995, ¶ 31. An allied-offenses analysis must be driven by the facts of each case. “[T]he analysis must focus on the defendant's conduct to determine whether one or more convictions may result, because an offense may be committed in a variety of ways and the offenses committed may have different import.” *Id.*

{¶29} An affirmative answer to any of the three questions will permit a separate conviction. *Id.* Offenses are committed separately if one offense was complete before the other offense occurred, notwithstanding the proximity in time of the offenses. *State v. Woodard*, 2022-Ohio-3081, ¶ 38 (2d Dist.). Thus, “when one offense is completed prior to the completion of another offense during the defendant's course of conduct, those offenses are separate acts.” *Id.*

{¶30} Appellate courts consider allied-offense questions based upon a de novo standard of review. *State v. Miku*, 2018-Ohio-1584, ¶ 70 (5th Dist.), *appeal not allowed*, 2019-Ohio-173, *quoting State v. Williams*, 2012-Ohio-5699, ¶ 12.

ANALYSIS

{¶31} In the instant case, Appellant was convicted of aggravated burglary in violation of R.C. 2911.11(A)(1):

No person, by force, stealth, or deception, shall trespass in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, when another person other than an accomplice of the offender is present, with purpose to commit in the structure or in the separately secured or separately occupied portion of the structure any criminal offense, if any of the following apply:

The offender inflicts, or attempts or threatens to inflict physical harm on another[.]

{¶32} The victim testified that the four men forcibly entered the apartment, pointed their guns at him, and told him not to move. The victim was hit in the head with a gun. At this point in time, the crime of aggravated burglary was complete. However, the men continued to beat the victim with their guns, giving the victim a laceration to the head which required six staples. The continued beating of the victim gave rise to Appellant's conviction of felonious assault. We find the felonious assault was committed separately, as the continued beating of the victim occurred after the crime of aggravated burglary was complete.

{¶33} After the men beat the victim, they moved him to another room. The men again threatened the victim with the guns and took property belonging to the victim. This conduct constituted the crime of complicity to aggravated robbery, which was committed separately from the crimes of felonious assault and aggravated burglary, both of which were completed at the point in which the aggravated robbery occurred.

{¶34} We find the trial court did not err in finding Appellant's convictions did not merge. The second assignment of error is overruled.

CONCLUSION

{¶35} For the reasons stated in our accompanying Opinion, the judgment of the Fairfield County Court of Common Pleas is Affirmed.

{¶36} Costs to Appellant.

By: Montgomery, J.

King, P.J. and

Popham, J. concur.