[Cite as *State v. Carr*, 2026-Ohio-4259.]

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

STATE OF OHIO, Plaintiff - Appellee -vs- BRADLEY N. CARR, Defendant - Appellant	Case No. 2026 CA 0005 Opinion And Judgment Entry Appeal from the Richland County Common Pleas Court, Case No. 2024 CR 0683 N Judgment: Affirmed Date of Judgment Entry: October 27, 2026

BEFORE: William B. Hoffman; Robert G. Montgomery; David M. Gormley, Judges

APPEARANCES: JODIE M. SCHUMACHER, Richland County Prosecuting Attorney by MICHELLE FINK, for Plaintiff-Appellee; TODD BARSTOW, for Defendant-Appellant.

Montgomery, J.

{¶1} Defendant-appellant Bradley Carr appeals the judgment entered by the Richland County Common Pleas Court convicting him following jury trial of voluntary manslaughter (R.C. 2903.03(A)) and sentencing him to a term of eleven to sixteen and one-half years of incarceration. Plaintiff-appellee is the State of Ohio.

STATEMENT OF THE FACTS AND CASE

{¶2} On November 18, 2023, Appellant and the victim were both inmates in the Mansfield Correctional Institution. The two men were placed in a cell together in the mental

health special observation area. Both men were wearing prison clothing designed to prevent suicide.

{¶3} Appellant asked Officer Ryan Sampson for a cell transfer. Sampson did not have authority to authorize a cell transfer and told Appellant he would address the request with his supervisor. Sampson's supervisor declined the request.

{¶4} At around 5:00 p.m., inmate Michael McCray, who was acting as a porter in the mental health unit, passed out cafeteria trays. He noticed that Appellant and the victim appeared to be fine, and Appellant was sitting at the desk.

{¶5} Sampson and a nurse passed out medication in the unit later that evening. At 7:27 p.m., they arrived at Appellant's cell. Sampson told Appellant that his cell transfer request had been declined. Sampson noticed that Appellant appeared to be agitated. Appellant replied that he would take care of it. The victim took his medication without saying anything.

{¶6} Several minutes later, McCray heard a thumping noise. He followed the sound to Appellant's cell. He looked inside the cell and observed the victim lying on the floor while Appellant kicked the victim. McCray told Appellant to stop and get on the wall. McCray then notified a corrections officer. After McCray told Appellant the victim was not getting up and went to get help, surveillance video captured movements in the cell consistent with Appellant continuing to stomp on the victim.

{¶7} Sampson returned to Appellant's cell in response to McCray's call. When he arrived, McCray told Sampson to use his man down button. Sampson looked inside the cell and saw the victim lying on the ground in a pool of blood. Appellant was naked with his hands against the wall. Appellant said, "I told you." Tr. 525.

{¶8} The victim was unresponsive in the cell and was taken to the hospital. The victim died on December 6, 2023. The cause of death was blunt force injuries to the head, causing traumatic brain injury and cervical neck compression. The victim also suffered fractured ribs and additional lacerations to his head, tongue, left ear, left eye, right knee, and a toe on his left foot. The victim displayed evidence of strangulation.

{¶9} After the victim was removed from the cell, Appellant told Lieutenant Jonathan Wertz that he had gotten in a fight with the victim and kicked him in the head. A prison nurse conducted a medical exam of Appellant shortly after the victim was removed from the cell. She noted Appellant had old bruises on his right eye, a laceration on his eye which was in the process of healing, and scrapes to his upper left arm. She noted no fresh injuries and released Appellant without treatment.

{¶10} Ohio State Highway Patrol Detective Dorothy Gladden interviewed Appellant on two separate occasions: once before the victim died, and once after the victim died. At the first interview on November 29, 2023, Appellant stated that he was in a cell, and the victim was brought into Appellant's cell. Appellant told the victim he didn't want to do anything but sleep. After the victim paced the floor for twenty to thirty minutes, Appellant claimed the victim hit him and sat down. Appellant tried unsuccessfully to get help from the corrections officers. After Appellant and the victim took their medication, the victim took a drink from the water fountain. Appellant stated that the victim swung at him, striking him in the face. Appellant then put the victim in a chokehold and the victim went to the ground. Appellant admitted to stomping on the victim six or more times. Appellant stated the victim tried to get up, so he kicked the victim again. Appellant stated at some point the victim no longer got up. Appellant told the detective that he was going to make the corrections officer open the door,

and Appellant stated he would not have done anything if the officer had removed him from the cell when he asked.

{¶11} Det. Gladden interviewed Appellant a second time after the victim died. At this interview, the detective used a crocheted bear as a prop. Appellant again stated that the victim swung at him, but because the victim was squatted down at the time to Appellant's waist level, Appellant was able to put the victim in a chokehold. Appellant struck the victim's head against the wall twice, loud enough to hear a thudding noise. The victim's legs buckled, and Appellant assisted him to the ground. When asked by the detective if the victim went unconscious, Appellant responded initially that he didn't think he did, but then said maybe the victim was unconscious. Appellant stated that the victim attempted to get up once but Appellant stomped on his head, causing the victim to fall face down on the floor. Appellant removed his own clothing and proceeded to stomp on the victim's head. Appellant admitted the victim did not attempt to get up a second time. Using the crocheted bear, Appellant demonstrated how he stomped on the victim. Appellant said in addition to stomping on the victim's head five or six times, he might have stomped on the rest of the victim's body. Appellant told the detective that before he came to prison, he discussed with his father about concrete being a "hell of a weapon." Tr. 592.

{¶12} Appellant was indicted by the Richland County Grand Jury with three counts of murder, voluntary manslaughter, two counts of involuntary manslaughter, strangulation, and felonious assault. Appellant filed a notice of self-defense. The State dismissed one count of murder and one count of involuntary manslaughter prior to trial.

{¶13} The case proceeded to jury trial. Appellant did not testify, but he argued he killed the victim in self-defense based upon his statements to Detective Gladden. The jury

found Appellant guilty of voluntary manslaughter and not guilty of the remaining charges. The trial court convicted Appellant in accordance with the jury's verdict and sentenced him to a term of incarceration of eleven to sixteen and one-half years, to be served consecutively to the sentence he was serving at the time of the instant offense.

{¶14} It is from the December 23, 2025, judgment of the trial court Appellant prosecutes his appeal, assigning as error:

{¶15} "I. THE JURY'S VERDICT OF GUILTY AS TO VOLUNTARY MANSLAUGHTER WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE AS THE STATE FAILED TO PROVE BEYOND A REASONABLE DOUBT THAT APPELLANT WAS NOT ACTING IN SELF-DEFENSE."

STANDARD OF REVIEW

{¶16} 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.) *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997), *superseded by constitutional amendment on other grounds as stated in State v. Smith,* 80 Ohio St.3d 89, 102 n.4 (1997); *State v. Martin*, 2022-Ohio-4175, ¶ 26.

{¶17} 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.*

{¶18} 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).

{¶19} 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*, syllabus ¶ 4.

APPLICABLE LAW

{¶20} Appellant was convicted of voluntary manslaughter in violation of R.C. 2903.03(A), which provides in pertinent part, "No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly cause the death of another."

{¶21} Appellant argues the jury's verdict is against the manifest weight of the evidence because the State failed to disprove that he acted in self-defense.

{¶22} "When an accused asserts the defense of self-defense he does not seek to negate any of the elements of the offense which the state is required to prove." *State v. Watson*, 2023-

Ohio-3137, ¶ 80 (5th Dist.). "Self-defense is not merely a denial or contradiction of evidence offered by the state to prove the essential elements of the charged crime." *Id*. "Rather, it is an admission of the prohibited conduct coupled with a claim that the surrounding facts or circumstances exempt the accused from liability therefore— 'justification for admitted conduct.' " *Id., citing State v. Poole*, 33 Ohio St.2d 18 (1973).

{¶23} Pursuant to R.C. 2901.05(B)(1) there are two burdens when a defendant claims self-defense. *State v. Davidson-Dixon*, 2021-Ohio-1485, ¶ 18 (8th Dist.). The defendant has the initial burden of production, which is the burden of producing evidence "that tends to support" the defendant used the force in self-defense. *State v. Messenger*, 2022-Ohio-4562, ¶ 21. The burden then shifts to the State, which under its burden of persuasion, must prove beyond a reasonable doubt the defendant did not use the force in self-defense. *Id*. at ¶ 24. In other words, if the evidence tends to support the defendant acted in self-defense, then the prosecution must prove beyond a reasonable doubt that the defendant did not act in self-defense. R.C. 2901.05(B)(1); *Id*. at ¶26. The State need only disprove one of the elements of self-defense beyond a reasonable doubt to sustain its burden at trial. *State v. Jackson*, 22 Ohio St.3d 281, 284 (1986); *State v. Staats*, 2021-Ohio-1325, ¶ 28 (5th Dist.).

{¶24} In order to establish the inapplicability of self-defense, the State must prove beyond a reasonable doubt: (1) the defendant was at fault in creating the situation giving rise to the affray; (2) the defendant lacked a bona fide belief he was in imminent danger of death or great bodily harm or that another means of escape from such danger existed negating the need for the use of deadly force; or (3) the defendant violated a duty to retreat or avoid the danger. *State v. Walker,* 2021-Ohio-2037, ¶ 14 (8th Dist.). The State "need only disprove one

of the elements of self-defense to sustain its burden at trial" of proving the defendant was not acting in self-defense. *Id*.

{¶25} The second element of self-defense "is a combined subjective and objective test." *State v. Thomas*, 77 Ohio St.3d 323, 330 (1997). The person's belief must be objectively reasonable under the circumstances, and he must subjectively believe he needed to resort to force to defend himself or the other person. *Id*. at 330-331.

{¶26} Implicit in the second element of self-defense is the requirement that the degree of force used was warranted under the circumstances and proportionate to the perceived threat. *Watson* at ¶ 88. As to the degree of force that is permitted, the defendant is privileged to use the amount of force that is reasonably necessary to repel the attack. *Id*. In other words, one may use a commensurate amount of force as the circumstances require to protect oneself against an attack. *Id*.

ANALYSIS

{¶27} In the instant case, we find the jury could find that the State disproved the second element of self-defense. Appellant argues he was locked inside a cell with the victim, who was larger than Appellant, and the victim struck Appellant. However, the nurse who examined Appellant after the attack testified he had no fresh injuries. Further, Appellant's own statements to Det. Gladden demonstrate he continued to stomp on the victim's head after the victim had ceased attempting to stand up. Appellant's statements reflect that while the victim was lying on the ground unable to get up, Appellant stopped to take off his clothes, and then Appellant resumed stomping on the victim. We find the jury could reasonably have found that Appellant did not have an objective belief that his life was in danger from the

victim, yet he continued stomping on the victim after the victim displayed no signs of having an ability to get up.

{¶28} Further, we find the jury could have concluded the force used was not commensurate with the threat posed by the victim. While Appellant stated to Det. Gladden that the victim struck him in the face, he had no fresh injuries. However, in response to this punch, Appellant put the victim in a chokehold, struck the concrete wall with the victim's head, took the victim to the ground, and stomped repeatedly on the victim's head. We find the jury's finding that the State disproved self-defense in the instant case was not against the manifest weight of the evidence.

{¶29} The assignment of error is overruled.

CONCLUSION

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

{¶31} Costs are assessed to Appellant.

By: Montgomery, J.

Hoffman, P.J. and

Gormley, J. concur.