

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
WOOD COUNTY

State of Ohio/City of Perrysburg

Court of Appeals No. {87}WD-25-081

Appellee

Trial Court No. TRD2503823

v.

Jacob Khazrai

DECISION AND JUDGMENT

Appellant

Decided: October 23, 2026

* * * * *

Jacob Khazrai, pro se, appellant

* * * * *

OSOWIK, J.

Procedural History

{¶ 1} Defendant-appellant, Jacob Khazrai, appeals from a judgment of the Perrysburg Municipal Court, convicting him of a violation of R.C. 4511.12, Obeying Traffic Control Devices. He was sentenced to a fine of \$50 and court costs. Khazrai contends that his conviction was in error for several reasons.

Assignments of Error

{¶ 2} Khazrai has set forth three assignments of error for our review to support his position. On April 20, 2026, appellee, the State of Ohio (City of Perrysburg), filed a notice that it does not intend to file any responsive pleading in this case before this court.

First Assignment of Error

The trial court erred in finding Appellant guilty where the State failed to present sufficient evidence that a legally operative traffic control device applied to Appellant at the time and location of the alleged offense.

{¶ 3} Khazrai argues, without citation to any authority, that the State was required to prove a legally operative traffic control device applied to him and that the device was lawfully erected, visible to the driver and operative at the time and location of the violation.

Placement of the Sign

{¶ 4} Contrary to Khazrai's assertion, it has been held that once the prosecution has proved that a traffic control device exists in a specific location, such device is presumed to be official and properly placed, and the burden of going forward to rebut such presumption falls on the defendant. *Akron v. Cook*, 67 Ohio App.3d 640, 643 (9th Dist. 1990).

{¶ 5} In this case, Trooper Basilius testified "And there's signs that are clearly posted. It says, All trucks use right lane. And this truck was in the left lane." He further testified on cross examination "If I remember correctly, when they had it up, it started at 2.

the 59.” The trooper also testified that he went six miles back to the onset of the construction zone after he issued the citation to Khazrai to confirm the location of the sign.

{¶ 6} Given the inference that the sign has been placed properly, the burden switches to the defendant to rebut the inference that the sign was placed in compliance with the OMUTCD. (The Ohio Department of Transportation's Manual of Uniform Traffic Control Devices) *State v. Jackson*, 2019-Ohio-4206, ¶ 4, (12Dist.) The defendant's rebuttal of this inference is considered an affirmative defense. *City of Cleveland v. Barker*, 108 N.E.3d 769, 771–72 (Ohio Mun. 2018). An “affirmative” defense requires action by the one asserting it. *State v. Gibson*, 2017-Ohio-8329, ¶ 8 (12th Dist.). Khazrai had the burden to present evidence in support of his argument that the signage was not in compliance with the OMUTCD.

{¶ 7} However, Khazrai put forth no rebuttal evidence in support of this position. In fact, the only rebuttal evidence put forth by Khazrai was his own testimony. Of relevance was appellant’s response to his counsel’s question:

- Q. Okay. The question I asked you earlier, when you’re getting and passing exit number 59, did you see a sign that said, Construction zone, trucks use the right-hand lane?
- A. No.
- Q. Okay. I have nothing further.

The Issue in the Trial Court

{¶ 8} We note that in the trial court, the issue of signage placement was only raised in closing statement, although somewhat inartful when the following exchange took place:

Mr. McMANUS: Yes, your Honor. The testimony indicated that the sign for the following truck to use the right lane was indicated that it was near mile marker number 59, was also an exit and entrance ramp for - -

THE COURT: They said it was in the area. I don't know that we ever established that it was on the exit ramp.

MR. McMANUS: So we would just like to take judicial notice for the Court to look at Section .B - - 2B.33 from the - - what is this from? - - Ohio Manual of Transportation, which indicates as follows: If used slower traffic keep right sign, the trucks use right lane sign, should be installed at or just beyond beginning of - - (inaudible) - - lane roadway section.

{¶ 9} The manual referenced by counsel was not admitted into evidence and is not part of this record. Therefore, it would require some speculation by this court to determine the proper manual invoked by counsel in his closing argument. In either event, no such legal authority was cited by Khazrai in his brief to this court and it is not our role as an appellate court to cobble together an argument for the appellant. *State v. Clark*, 2025-Ohio-4410, ¶ 23, citing *State ex rel. McKenney v. Jones*, 2022-Ohio-583, ¶ 28, quoting *State v. Quartermann*, 2014-Ohio-4034, ¶ 19.

{¶ 10} Upon review of the record, we can see no merit to appellant's argument with respect to the placement of the sign.

Location of the Offense

{¶ 11} Khazrai further argues that there was not sufficient evidence presented by the State to establish the location of the sign and hence, the location of the offense. He maintains this position despite the crystal-clear dashcam video showing his truck operating in the left-hand lane in what appears to be a construction zone, for a considerable period of time, passing other trucks and cars. He further disregards the

testimony of Trooper Basilius only because he qualified his answer with the preface “If I remember correctly” concerning the location of the sign and the fact that he travelled back six miles to determine the location accuracy. Contrary to the assertions of appellant, the fact that the trooper deliberately went back to the location of the sign lends an additional degree of certainty to his testimony. The trial court found his testimony to be credible.

{¶ 12} In reviewing a challenge to the sufficiency of evidence, the relevant inquiry is 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. Smith*, 80 Ohio St.3d 89, 113 (1997). In making that determination, the appellate court will not weigh the evidence or assess the credibility of the witnesses. *State v. Kinney*, 2025-Ohio-1620, ¶ 55 (6th Dist.) *appeal not allowed* 2025-Ohio-3078.

{¶ 13} In light of the testimony and evidence previously discussed, we find that any rational factfinder could have found the inclination of a greater amount of credible evidence was admitted at trial than not to induce the fact-finder's belief of Khazrai's guilt for the offense of violation of R.C. 4511.21, Obeying Traffic Control Devices. Just because appellant testified that he did not see the sign, that does not mandate the fact finder believe him rather than the contrary evidence and testimony. *State v. Buck*, 2026-Ohio-2115, ¶ 18 (6th Dist.).

{¶ 14} Based upon the forgoing, after reviewing the record, we find Khazrai's first assignment of error not well-taken and denied.

Second Assignment of Error

The trial court erred by entering a conviction where the State's theory of liability relied upon an undefined and internally inconsistent combination of alleged traffic violations, depriving Appellant of clear notice of the offense proven at trial.

{¶ 15} In his second assignment of error, Khazrai argues that his due process rights were deprived when the State presented “Combined Multiple Driving Theories Without Establishing One Defined Statutory Violation.” He also claims, “the proceedings failed to establish which legal rule ultimately governed the finding of guilt.” Additionally, Khazrai argues that the finding of guilty by the trial court did not specify whether his guilt rested upon “1. violation of a particular regulatory traffic control device. 2. conduct occurring within a construction-zone restriction, or 3. observations associated with pacing or speed.”

{¶ 16} Khazrai was charged with one single traffic violation. The citation/summons issued to him alleges a single violation of R.C. 4511.12 in Wood County on the I-80 turnpike in Perrysburg Township, Ohio on September 5, 2025. That section states in relevant part:

4511.12 Obeying traffic control devices

(A) No pedestrian, driver of a vehicle, or operator of a streetcar or trackless trolley shall disobey the instructions of any traffic control device placed in accordance with this chapter, unless at the time otherwise directed by a police officer. Ohio Rev. Code Ann. § 4511.12

{¶ 17} Khazrai miscasts the testimony of Trooper Basilius. His statements regarding the circumstances of his encounter with Khazrai provided a contextual

background of the traffic stop. The fact that the trooper presented testimony about the construction zone-setting, the speed differential, and the lane restriction signage does not mean that the State advanced multiple inconsistent theories of liability. To support his position, appellant cites the United States Supreme Court case of *Cole v. State of Ark.*, 333 U.S. 196, 197–98 (1948). The essential holding in that case was that a criminal defendant is denied due process of law under the Fourteenth Amendment when an appellate court affirms a conviction on the basis of a statutory offense different from the one with which the defendant was charged, tried, and convicted. The facts of Khazrai’s traffic citation are not remotely imaginatively similar. Khazrai was personally handed a traffic citation charging him solely with a single violation of R. C. 4511.12. Testimony and evidence were submitted at trial that would establish Khazrai’s behavior to be in violation of that statute. While the trooper testified that Khazrai was also operating his truck in excess of the posted speed limit, he was, in fact, convicted of a single violation of R.C. 4511.12 and nothing else.

{¶ 18} The record of this case demonstrates that appellant’s second assignment of error is without merit, and we find it not well taken and denied.

Third Assignment of Error

The trial court violated Appellant’s due process rights by entering a conviction without identifying the specific statutory offense or legally defined elements supporting the finding of guilt.

{¶ 19} In his final assignment, Khazrai argues that the trial court’s general finding of guilty without stating the statute or element forming the basis of the conviction is a “record-clarity and due-process argument.” However, we have repeatedly held that

following a bench trial, a trial court’s general finding of guilt is sufficient, and the court is not required to recite specific statutory elements on the record. *State v. Kimble*, 2025-Ohio-310 ¶ 15 (6th Dist.), citing Crim.R.23(C). *See also Maumee v. Yeager*, 2024 – Ohio-858, ¶ 59 (6th Dist.).

{¶ 20} The remaining arguments of Khazrai’s third assignment of error are a repetition of his first two assignments of error including “Multiple Concepts Discussed, But No Specific Offense Identified in the Record” and “The Court’s Guilt Finding Did Not Clarify the Statutory Basis or Elements” and “Due Process Requires Conviction of a Defined Offense Under a Clear Theory.” We previously found these arguments to be without merit and simply repeating them does not somehow make them more meaningful.

{¶ 21} We find appellant’s third assignment of error to be meritless and is therefore denied.

Conclusion

{¶ 22} Based on the foregoing, the judgment of the Perrysburg Municipal Court is affirmed. Appellant is ordered to pay the costs of this appeal under App.R. 24.

Judgment affirmed.

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A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.
See also 6th Dist.Loc.App.R. 4.

Thomas J. Osowik, P.J.

[[Applied Signature]]

JUDGE

Gene A. Zmuda, J

[[Applied Signature 2]]

JUDGE

Myron C. Duhart, J

[[Applied Signature 3]]

CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.supremecourt.ohio.gov/ROD/docs/>.