

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
JEFFERSON COUNTY

STATE OF OHIO,

Plaintiff-Appellee,

v.

TOMARA ALLEN PULLIAM, JR.,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY **Case No. 26 JE 0002**

Criminal Appeal from the
Steubenville Municipal Court, Jefferson County, Ohio
Case No. 25 TRD 730

BEFORE:

Mark A. Hanni, Carol Ann Robb, Katelyn Dickey, Judges.

JUDGMENT:

Affirmed.

Atty. Jane M. Hanlin, Jefferson County Prosecutor, and *Atty. Bernard C. Battistel*,
Assistant Prosecuting Attorney, for Plaintiff-Appellee and

Tomara Allen Pulliam, Jr., *Pro se* Defendant-Appellant.

Dated: September 2, 2026

HANNI, J.

{¶1} Defendant-Appellant, Tomara Allen Pulliam, Jr., appeals from a Steubenville Municipal Court judgment convicting him of driving an unsafe vehicle, a minor misdemeanor traffic offense. He was fined \$50 plus court costs.

{¶2} Pro se Appellant contends the trial court denied him his right to a speedy trial under R.C. 2945.71(A) and failed to discharge him under R.C. 2945.73(B). He asserts R.C. 2945.71(A) requires the court to bring those charged with a minor misdemeanor to trial within 30 days and his trial occurred 72 days after his citation.

{¶3} We affirm the trial court's conviction and sentence. Appellant's minor misdemeanor traffic offense arose from the same transaction as a second-degree misdemeanor charge of obstruction of official business. R.C. 2945.71(D) provides that pending misdemeanors arising out of the same act or transaction take on the time required for the highest degree of the offense charged for speedy trial purposes. The speedy trial requirement for second-degree misdemeanor obstruction therefore applied, which was 90 days. City of Steubenville Ord. 525.07(b); R.C. 2945.71(B)(2).

{¶4} Appellant was personally served with a summons on the traffic offense on November 1, 2025 and a summons was issued on the obstruction charge on November 3, 2025. He was brought to trial on January 12, 2026. Even excluding two tolling events which occurred during this time period, Appellant was brought to trial well within 90 days. Thus, no speedy trial violations occurred.

{¶5} On November 1, 2025, Officer Mark Rogers of the Steubenville Police Department cited Appellant for driving an unsafe vehicle, a minor misdemeanor in violation of Steubenville Ordinance 337.01. According to his report, Officer Rogers observed Appellant driving his vehicle with a large object dragging from the front fender. Officer Rogers stopped the vehicle and spoke with Appellant's passenger as Appellant silently paced back and forth. The passenger announced he was a sovereign citizen and he and Appellant were stopping into his nearby shop. Officer Rogers observed Appellant shove the large object into the wheel well of the vehicle.

{¶6} Dispatch relayed to Officer Rogers that the vehicle's registration was suspended. The passenger told Appellant to walk inside his shop and Appellant removed

the keys from his vehicle and began walking to the shop. Officer Rogers repeatedly commanded Appellant to stop, but Appellant did not comply. Officer Rogers reported that Appellant pulled away when he grabbed the back of Appellant's jacket and advised him to stop. Appellant then attempted to reach for something toward the right side of his waist. Officer Rogers advised Appellant to stop and called for backup from other officers.

{¶7} Officer Rogers thereafter patted Appellant down for weapons, but found none. He detained Appellant while police investigated the damage to his vehicle. Appellant refused to identify himself despite Officer Rogers' numerous requests.

{¶8} Appellant was cited for minor misdemeanor driving an unsafe vehicle under City of Steubenville Ordinance 337.01. He was also charged with second-degree misdemeanor obstructing official business under City of Steubenville Ordinance 525.07(A). He was personally served for the traffic citation on November 1, 2025 and summons was issued for the obstruction charge on November 3, 2025.

{¶9} On November 18, 2025, the trial court arraigned Appellant on the traffic offense in Case No. 25TRD00730 and he entered a not guilty plea. In its arraignment entry, the trial court noted that the unsafe vehicle charge "is part of the same fact pattern as 25CRB891," which was the charge of obstructing official business.

{¶10} Appellant's counsel filed a motion for a continuance on November 18, 2025 and the trial court continued the case until December 3, 2025. In the entry, the court indicated the time was attributable to defendant. The motion and entry are not on the municipal court docket and not in the record sent to this Court. However, Appellee attached a copy of the time-stamped entry to its brief. The entry is time-stamped November 18, 2025 and contains a case number of 25CRB00891, which is the obstruction case.

{¶11} The record does contain a December 3, 2025 entry issued by the municipal court scheduling trial for January 12, 2026. The entry also ordered that Appellant's counsel was to receive discovery by December 19, 2025.

{¶12} Appellant was placed on bond for the obstruction charge. However, when he appeared at Steubenville Municipal Court on December 11, 2025 for an unrelated matter, he was taken into custody due to an outstanding warrant for felony domestic violence. The municipal court issued a journal entry that day scheduling an initial

appearance on the domestic violence charge and indicating that a bond revocation proceeding would also occur. Appellant appeared by video for the felony arraignment and was released on his own recognizance on December 12, 2025.

{¶13} On January 12, 2026, the municipal court held a trial on the unsafe vehicle and the obstructing official business cases. Officer Rogers testified. Upon hearing the testimony, the court granted Appellant's motion for a directed verdict on the obstruction charge. The court found Appellant guilty of driving an unsafe vehicle.

{¶14} On January 13, 2026, the court issued its judgment entry and identified both case numbers in its case caption. The court noted its directed verdict for Appellant, found Appellant not guilty on the obstructing official business charge, but found him guilty of driving an unsafe vehicle. The court imposed a \$50 fine and costs.

{¶15} On January 16, 2026, pro se Appellant filed a notice of appeal. He asserts the following three assignments of error:

- I. **THE TRIAL COURT VIOLATED APPELLANT'S RIGHT TO A SPEEDY TRIAL UNDER R.C. 2945.71**
- II. **THE TRIAL COURT FAILED TO DISCHARGE APPELLANT AS REQUIRED BY R.C. 2945.73(B).**
- III. **THE CONVICTION VIOLATES DUE PROCESS UNDER THE FOURTEENTH AMENDMENT.**

{¶16} Appellant contends his constitutional and statutory speedy trial rights were violated because he was not brought to trial within 30 days for the unsafe vehicle charge. He cites R.C. 2945.71 and *Barker v. Wingo*, 407 U.S. 514 (1972), in support.

{¶17} Appellee responds that no speedy trial violation occurred because R.C. 2945.71(D) applies the speedy trial time period to the highest degreed offense arising out of the same act or transaction. Appellee explains the obstruction charge arose out of the same transaction as the unsafe driving charge. Appellee mistakenly notes that the highest degreed offense is a third-degree misdemeanor charge of obstruction. However, obstruction is a second-degree misdemeanor as indicated in City of Steubenville Ordinance 525.07 and in R.C. 2921.31(B).

{¶18} A defendant has both constitutional and statutory rights to a speedy trial. However, in order to raise a speedy trial violation on appeal, an appellant must file a motion to dismiss on that basis in the trial court. See *State v. Paige*, 2019-Ohio-1088, ¶ 68 (7th Dist.) (“[t]he issue of speedy trial cannot be raised for the first time on appeal. The failure to file an appropriately timed motion on speedy trial grounds constitutes a waiver of the issue on appeal.”).

{¶19} R.C. 2945.73(B)(1) provides that:

[u]pon motion made at or prior to the commencement of trial, a person charged with a misdemeanor shall be discharged if the person is not brought to trial within the time required by sections 2945.71 and 2945.72 of the Revised Code. Such a discharge is a bar to any further criminal proceedings against the person based on the same conduct. [emphasis added].

{¶20} Crim.R. 12(C) also mandates that a party must raise certain defenses or objections before trial. This includes those based on defects in “the institution of the prosecution.” Crim.R. 12(C)(1). The Ohio Supreme Court holds that an appellant cannot raise a speedy trial violation if he failed to file a motion to dismiss his case for the violation prior to trial and pursuant to R.C. 2945.73(B). *State v. Taylor*, 2002-Ohio-7017, ¶ 37.

{¶21} The submitted court record in this case does not show that Appellant filed a motion to dismiss the charges based on speedy trial grounds. Further, Appellant does not state that such a motion was filed. Accordingly, Appellant has waived the issue of a speedy trial violation by failing to raise the issue before trial.

{¶22} However, even if Appellant did not waive this issue, we find that no speedy trial violation occurred. R.C. 2945.71(A) provides:

Time within which hearing or trial must be held.

(A) Subject to division (D) of this section, a person against whom a charge is pending in a court not of record, or against whom a charge of minor misdemeanor is pending in a court of record, shall be brought to trial within 30 days after arrest or service of summons.

{¶23} R.C. 2945.71(D) provides in relevant part that when a person is charged with different degrees of pending felonies and/or misdemeanors that arise out of the same act or transaction, he must be brought to trial on all charges within the time required for the highest degree of the offense charged as outlined in R.C. 2945.71(A), (B), and (C).

{¶24} Here, Appellant was charged with driving an unsafe vehicle under City of Steubenville Ord. 337.01 in Case Number 25TRD730, a minor misdemeanor. Under R.C. 2945.71(A)(1), Appellant's minor misdemeanor charge required a trial within 30 days. However, he also charged with obstructing official business under City of Steubenville Ord. 525.07(A), which is a second-degree misdemeanor. R.C. 2945.71(B)(2) requires those charged with a second-degree misdemeanor to be brought to trial within 90 days. Thus, under R.C. 2945.71(B)(2), Appellant was required to be brought to trial within 90 days of being charged.

{¶25} The speedy trial clock began to run on November 4, 2025, the date after he was served with the latest summons, and ran through January 12, 2026, when Appellant was brought to trial. This also excludes any tolling event proffered by Appellee, such as defendant's motion for a continuance and the trial court's order for discovery to be served. The time period between the two dates is 69 days, not including the date of trial. This is well within 90 days.

{¶26} Applying the continuance tolling event proffered by Appellee, which is not in the record, and the municipal court's discovery order, which is, the speedy trial clock would have run from November 4, 2025 to November 17, 2025 (13 days), when the day after the motion for continuance was filed, November 18, 2025 until December 2, 2025, the day before the court's December 3, 2025 journal entry ordering discovery to be served on defense counsel by December 19, 2025. The clock would then run from December 20, 2025 to January 12, 2026 (23 days), when Appellant was brought to trial. Accordingly, Appellant was still brought to trial within the 90-day speedy trial period.

{¶27} For these reasons, all of Appellant's assignments of error are without merit and overruled and the trial court's judgment is affirmed.

Robb, J., concurs.

Dickey, J., concurs.

For the reasons stated in the Opinion rendered herein, the assignments of error are overruled and it is the final judgment and order of this Court that the judgment of the Steubenville Municipal Court, Jefferson County, Ohio, is affirmed. Costs to be waived.

A certified copy of this opinion and judgment entry shall constitute the mandate in this case pursuant to Rule 27 of the Rules of Appellate Procedure. It is ordered that a certified copy be sent by the clerk to the trial court to carry this judgment into execution.

NOTICE TO COUNSEL

This document constitutes a final judgment entry.