

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

CITY OF BEDFORD HEIGHTS,	:	
	:	
Plaintiff-Appellee,	:	No. 116015
	:	
v.	:	
	:	
DAVID A. REYNOLDS III,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: August 20, 2026

Criminal Appeal from the Bedford Municipal Court
Case No. 25TRDo4634A

Appearances:

Shorain L. McGhee, Bedford Heights Prosecutor, *for appellee.*

David A. Reynolds III, *pro se.*

MARY J. BOYLE, J.:

{¶ 1} Defendant-appellant David A. Reynolds III (“Reynolds”), pro se, appeals his traffic conviction for failing to stop at a stop sign following a bench trial in the Bedford Heights Municipal Court. He raises the following assignments of error for review:

Assignment of Error I: The trial court erred, and violated [Reynolds's] rights secured by the Sixth Amendment to the United States Constitution and Article I, Section 10 of the Ohio Constitution, by refusing to require the Prosecutor to identify the factual basis of the charges and by construing the Complaint's stop-time as the time of the alleged offenses, thereby depriving me of constitutionally required notice of cause of the accusations and permitting the State to proceed on a legally and physically impossible theory.

Assignment of Error II: The trial court erred by denying [Reynolds's] acquittal motion and entering a conviction on a charge the State failed to prove as pleaded, despite the State's sole witness admitting that [Reynolds] could not have committed the offense at the time and location alleged in the sworn complaint.

Assignment of Error III: The trial court erred by denying [Reynolds] a meaningful opportunity to obtain a complete and definite record of the charges and evidence against [Reynolds], including by refusing to compel a compliant bill of particulars, by permitting incomplete disclosure of the video evidence, and by entering judgment on a materially deficient and incomplete record.

Assignment of Error IV: The trial court deprived [Reynolds] of a fair trial and violated due process abandoning judicial neutrality, applying inconsistent standards to the parties and the evidence, and making prejudicial comments and extra-record observations that reflected bias and tainted the verdict.

{¶ 2} For the reasons set forth below, we affirm.

I. Facts and Procedural History

{¶ 3} On June 9, 2025, Reynolds was issued a traffic citation for failing to stop at a stop sign in violation of Bedford Heights Codified Ordinances § 331.19 ("BHO") and for failing to have the rear license plate illuminated in violation of BHO § 337.04(b).

{¶ 4} Reynolds pled not guilty and proceeded pro se. He then filed a motion for a bill of particulars. After the trial court granted Reynolds's motion, plaintiff-

appellee the City of Bedford Heights (“the City”) provided Reynolds with a bill of particulars. Reynolds then filed a motion for a more definite bill of particulars, as well as a motion to dismiss the complaint. The trial court denied both motions, and the case was set for trial.

{¶ 5} In the meantime, Reynolds filed a petition for a writ of prohibition and mandamus with this court claiming that he was unable to prepare a meaningful defense without a more definite bill of particulars, specifically arguing that the City failed to provide the date, time, and location of the violation. He requested an extraordinary writ that (1) prohibits the respondent judge from exercising judicial power over the underlying case based on the defective complaint and withholding of essential factual information, or (2) compels the respondents to provide the essential factual information supporting the traffic citation.

{¶ 6} This court, sua sponte, dismissed Reynolds’s petition stating that “[s]ua sponte dismissal without notice is warranted when a complaint is frivolous or the claimant obviously cannot prevail on the facts alleged in the complaint.” *State ex rel. David A. Reynolds III v. Bedford Hts.*, 25CA115614 (8th Dist. Sept. 29, 2025) (order No. 588252), quoting *State ex rel. Scott v. Cleveland*, 2006-Ohio-6573, ¶ 14. This court further stated:

In this matter, [Reynolds] was issued a traffic citation in the city of Bedford Heights, within the jurisdiction of the Bedford Heights Municipal Court. Contrary to the [Reynolds]’s assertion, the citation is legible, lists the nature of the charges and the numerical designations of the applicable ordinances, and sets forth the date, time, and location of the traffic stop. *Cleveland v. Austin*, 55 Ohio App.2d 215, 220 (8th Dist. 1978) (A traffic ticket “will satisfy legal requirements, if it apprises

a defendant of the nature of the charge together with a citation of the statute or ordinance involved.”).

Pursuant to R.C. 1901.20(A)(1), the respondent judge has jurisdiction over this matter. See also Traf.R. 3(A). Further, the extraordinary writs of prohibition and mandamus cannot be used to control judicial discretion. *Berthelot v. Dezso*, 86 Ohio St.3d 257, 259 (1999). To the extent [Reynolds] challenges the trial court’s pretrial judgments, the scope of the complaint, or the adequacy of the information provided by the prosecution prior to trial, he has an adequate remedy at law by way of appeal once a final order is issued. For these reasons, we find the request for extraordinary relief is frivolous and subject to immediate dismissal. Writ dismissed. Alternative writ denied as moot.

Id. at ¶ 2-3. Thereafter, a bench trial ensued.

{¶ 7} At trial, Bedford Heights Police Officer Samuel Pelsnik (“Officer Pelsnik”) testified that on the evening of June 9, 2025, while on duty, he observed Reynolds fail to stop at a stop sign at the corner of Vickie Lane and South Lane in Bedford Heights, Ohio. He explained that he was parked on South Lane monitoring traffic traveling north and south on Vickie Lane when he observed Reynolds traveling northbound on Vickie Lane. Reynolds did not stop at the stop sign. Officer Pelsnik caught up to Reynolds’s vehicle, activated his overhead lights, and pulled Reynolds over on Rockside Road, which is just north of South Lane. When he approached the vehicle, he also observed that there was no illumination over Reynolds’s license plate.

{¶ 8} During Officer Pelsnik’s testimony, he identified Reynolds as the driver of the vehicle he pulled over and cited on June 9, 2025. He explained that his police department equips officers with body cameras, but the department does not have dashcam video, which is why the traffic violation is not on camera. Officer

Pelsnik testified that during the traffic stop, he activated his bodycam when he approached the vehicle and interacted with Reynolds but turned it off when he returned to his police vehicle to complete the citation. (The City's exhibit No. 1.)

{¶ 9} The video was played for the court. The video captures Officer Pelsnik informing Reynolds that he was pulled over because he failed to stop at a stop sign at South Lane and Vickie Lane. Reynolds informs Officer Pelsnik that he does not have his driver's license on him but confirms that the car he is driving is his vehicle. Officer Pelsnik then states that because this is Reynolds's vehicle, he does not need his driver's license. He returns to his vehicle to issue the citation.

{¶ 10} Officer Pelsnik reactivated his bodycam when he presented Reynolds with the citation. (The City's exhibit No. 1.)

{¶ 11} On cross-examination, Officer Pelsnik confirmed that the bodycam video indicates that he first interacted with Reynolds at 10:57 p.m.; however, the citation indicates that the violation occurred at 10:59 p.m.

{¶ 12} On redirect, Officer Pelsnik explained that when issuing a citation, the computer populates the time at the moment the citation is entered into the computer, not when the violation was committed.

{¶ 13} Reynolds moved for dismissal pursuant to Crim.R. 29, arguing that the City was "conflating an alleged offense with the actual traffic stop." (Trial tr. 25.) His motion was denied by the trial court.

{¶ 14} Reynolds testified on his own behalf. He testified that he “didn’t run a stop sign. And [he] wasn’t even on Vickie [Lane].” (Trial tr. 33.) Reynolds insisted that he only traveled on Rockside Road while in Bedford Heights.

{¶ 15} On cross-examination, Reynolds could not remember where he came from and refused to answer what street he was traveling on prior to driving on Rockside Road. He admitted that on the day of the incident, he did not have his driver’s license with him.

{¶ 16} The trial court found Reynolds guilty of failing to stop at a stop sign but not guilty of failing to have a rear light illumination. Reynolds was ordered to pay a \$75 fine and court costs, which was stayed pending appeal.

{¶ 17} For ease of discussion, the assignments of error will be addressed together and out of order when appropriate.

II. Law and Analysis

Time

{¶ 18} In the first three assignments of error, Reynolds focuses on the actual time of the alleged violations. The crux of Reynolds’s argument is that the traffic citation stated that the alleged traffic violations occurred at 10:59 p.m. on Vickie Lane; however, the officer’s testimony and video evidence unequivocally established that he was stopped on Rockside Road at 10:57 p.m. Therefore, it was impossible for him to commit the alleged violations at the time described in the citation. He insists that he could not mount a proper defense unless he was notified of the actual time of the alleged offenses. Thus, Reynolds contends that the trial court erred by

denying Reynolds's motion for more definite bill or particulars, as well as his motion for acquittal.

{¶ 19} We note that the Ohio Supreme Court has long held that “the exact date and time are immaterial unless in the nature of the offense the exactness of time is essential. [Therefore, i]t is sufficient to prove the alleged offense [occurred] at or about the time charged.” *Tesca v. State* 108 Ohio St. 287 (1923), paragraph one of the syllabus. In *State v. Sellards*, the Court again stated that “precise times and dates are not essential elements of offenses. Thus, the failure to provide dates and times in an indictment will not alone provide a basis for dismissal of the charges. A certain degree of inexactitude of averments, where they relate to matters other than elements of the offense, is not per se impermissible or necessarily fatal to a prosecution.” *Id.*, 17 Ohio St.3d 169, 171 (1985).

{¶ 20} With the foregoing in mind, we review Reynolds's assignments of error.

Due Process, Notice, and Bill of Particulars

{¶ 21} In Reynolds's first assignment of error, he contends that he is entitled to “notice of the *cause* of the accusation,” which he asserts requires a factual basis for the charges. (Emphasis in original.) (Reynolds's brief p. 20.) He specifically asserts that his due-process rights were violated because he was not notified of when or how the traffic violations occurred and, as a result, he could not properly prepare his defense.

{¶ 22} Likewise, in Reynolds’s third assignment of error, he argues that the trial court erred by not compelling the City to produce a more definite bill of particulars. He maintains that the City’s bill of particular was evasive, incomplete, and noncompliant because it did not identify the actual time the alleged traffic violation occurred. He asserts that the denial of a more definite bill of particulars was an abuse of discretion.

{¶ 23} The City counters that the traffic citation set forth the date, time, location, and the ordinances violated; thus, Reynolds had sufficient notice of the nature of the charges and the factual basis for the charges against him. The City further argues that a bill of particulars was provided to Reynolds and it set forth all pertinent information, including the location, the elements of the offenses charged, as well as all factual allegations supporting the charges. The City points out that a bill of particulars is not required in a traffic case.

{¶ 24} Indeed, it is undeniable that “[d]ue process under the Ohio and United States Constitutions demands that the right to notice and an opportunity to be heard must be granted at a meaningful time and in a meaningful manner where the state seeks to infringe a protected liberty or property interest.” *In re B.J.M.*, 2017-Ohio-8202, ¶ 20 (11th Dist.), quoting *State v. Hochhausler*, 76 Ohio St.3d 455, 459 (1996). With regard to notice of a traffic violation, the Ohio Supreme Court has long held that a “complaint [or citation] prepared pursuant to [the Ohio Traffic Rules] simply needs to advise the defendant of the offense with which he is charged, in a manner that can be readily understood by a person making a reasonable attempt

to understand.” *Bellville v. Kieffaber*, 2007-Ohio-3763, ¶ 19, quoting *Barberton v. O'Connor*, 17 Ohio St.3d 218, 221 (1985). “In the traffic-citation context, this has generally been interpreted as focusing on whether the defendant had notice of the nature and the cause of the accusation.” *Id.* “Notice is satisfied when a defendant is apprised of the nature of the charge together with a citation of the statute or ordinance involved.” *Id.*, citing *Cleveland v. Austin*, 55 Ohio App.2d 215, 220 (8th Dist. 1978).

{¶ 25} Here, the citation was issued to Reynolds immediately after the traffic violation. The citation accurately informed him of the nature of the charges and the ordinance involved. Specifically, the citation stated, “stop sign,” and cited BHO § 331.19, which prohibits failing to stop at a stop sign. (R. 1, Citation No. BH500563.) In addition, the citation described “tail light; illumination of rear license plate,” and cited BHO § 337.04(b), which prohibits operating a vehicle without the rear license plate illuminated. (R. 1, Citation No. BH500563.) Finally, the citation set forth the date, the approximate time, and the location of the alleged incident.

{¶ 26} Reynolds argues that *Sellards*, 17 Ohio St.3d at 171, is directly on point and supports his argument that he needs the exact time the traffic violation occurred. Reynolds’s interpretation of *Sellards*, however, is incorrect.

{¶ 27} In *Sellards*, the defendant was accused of multiple counts of rape and importuning. The indictment included dates spanning large periods of time that were not specific; however, when the victims testified at trial, they narrowed the

time periods to certain weeks and dates. As discussed previously, the *Sellards* Court reiterated that dates and times are not essential elements of an offense and the State is only required to provide such information when in possession of it. The Court found that the State's lack of preciseness with the date in the indictment and bill of particulars was not fatal to the State's case. The Court further found that the record did not indicate that the failure to provide the defendant with a specific date was materially detrimental to the preparation of his defense. Nevertheless, the Court found that *Sellards* demonstrated a particularized need to inspect the grand jury testimony to determine whether the State was aware of a more definite timeframe and withheld it from the defendant; therefore, the case was reversed and remanded to the trial court.

{¶ 28} We find that Reynolds has not set forth a valid argument that knowing the precise time that he failed to stop at a stop sign would aid in his defense. His defense at trial was that he was not on Vickie Lane and did not “run” a stop sign. Reynolds was not accused of failing to stop at a stop sign on some random date in some random location that he would have no way to defend against. Rather, he was cited immediately after he failed to stop at the stop sign. The citation marked the time Officer Pelsnik issued the citation, which was immediately after Reynolds was pulled over for the traffic violation. Because the exact time of the traffic violation is not an essential element of an offense, notice of the approximate time of the violation was sufficient to inform Reynolds when the violation occurred.

{¶ 29} After careful review, we find that the citation set forth sufficient information to notify Reynolds of the nature of the offenses as well as the “cause” or the factual basis for the charges. Furthermore, the citation advised Reynolds in a manner that can be readily understood by a person making a reasonable attempt to understand. It is clear from the citation that Reynolds was accused of failing to stop at a stop sign and not having his rear license plate illuminated. The violations were alleged to have occurred on June 9, 2025, at approximately 10:59 p.m. at the corner of Vickie Lane and South Lane in Bedford Heights, Ohio. Therefore, his due process rights were not violated.

{¶ 30} Next, Reynolds contends that he is entitled to a bill of particulars pursuant to Crim.R. 7(E) because Traf.R. 20 explicitly states that “[i]f no procedure is specifically prescribed by these rules, the Rules of Criminal Procedure and the applicable law apply.” He argues that he was prejudiced when the City did not provide the actual time of the alleged violation in the bill of particulars and that the trial court erred by denying his motion for a more definite bill of particulars.

{¶ 31} We note that traffic cases are generally governed by Ohio Traffic Rules and not by the Rules of Criminal Procedure. *State v. Naome*, 2005-Ohio-1118, ¶ 9 (7th Dist.). Although the Crim.R. 16 discovery rule applies to traffic cases pursuant to Traf.R. 11(B)(2)(b), there is no similar reference in the traffic rules requiring that a bill of particulars be provided pursuant to Crim.R. 7(E). Crim.R. 7(E) states that upon request of a defendant, the prosecutor shall furnish a bill of particulars “setting up specifically the nature of the offense charged and the conduct alleged to

constitute the offense.” The Ohio Supreme Court has explained that “[t]he purpose for giving a bill of particulars is ‘to elucidate or particularize the conduct of the accused,’ but not ‘to provide the accused with specifications of evidence or to serve as a substitute for discovery.’” *State v. Lawrinson*, 49 Ohio St. 3d 238, 239 (1990), quoting *Sellards* 17 Ohio St. 3d at 171. “[S]pecifications as to date and time would not be required in a bill of particulars since such information does not describe particular conduct, but [rather describes] only when conduct is alleged to have occurred, knowledge of which . . . is generally irrelevant to the preparation of a defense.” *State v. Gingell*, 7 Ohio App.3d 364, 367 (1st Dist. 1982).

{¶ 32} In this case, the City provided a bill of particulars in accordance with Crim.R. 7(E), even though it is not required under the traffic rules. The bill of particulars set forth the ordinances alleged to have been violated by Reynolds, the elements the City was required to prove at trial, and the factual allegations supporting the charges lodged against Reynolds. Because the exact time of the traffic violation is not required in a bill of particulars nor is it an essential element of the offense, the denial of Reynolds’s motion for a more definite bill of particulars was not error.

{¶ 33} Additionally, we find no merit to Reynolds’s argument that the bill of particulars must establish that his “Property” is a “vehicle” under the applicable ordinances. (Reynolds’s brief, p. 25.) A bill of particulars is required to detail the conduct of the accused. Here, the bill of particulars detailed Reynolds’s conduct. Moreover, the bill of particulars did establish that Reynolds’s “property” was a

“vehicle.” It specifically stated that Reynolds was “operating a Passenger vehicle, a Silver 2007 Toyota Camry.” (Bill of Particulars, R. 13.)

{¶ 34} Finally, we find no merit to Reynolds’s argument that he did not receive the full bodycam video or the full transcript of his proceedings. The record reflects that Officer Pelsnik turns his bodycam video on when he interacts with the public and turns it off when he is not interacting with the public. The bodycam video provided both interactions with Reynolds. As to the transcripts, the record reflects that the complete transcripts of the proceedings were provided. The transcripts are labeled “partial” because the court reporter did not transcribe the entire day, which would have included hearings with other people. Reynolds was only entitled to his hearings.

{¶ 35} After careful review, we find that Reynolds’s due-process rights were not violated and the denial of Reynolds’s motion for a more definite bill of particulars was not error because Reynolds was notified of the nature and cause of the offense via the citation and the bill of particulars provided exactly what Crim.R. 7(E) requires. Accordingly, Reynolds’s first and third assignments of error are overruled.

Sufficiency of the Evidence

{¶ 36} In Reynolds’s second assignment of error, he asserts that it was error for the trial court to deny his Crim.R. 29 motion for acquittal because the evidence was insufficient to prove that he committed the traffic violations at the time and location alleged in the citation.

{¶ 37} A Crim.R. 29(A) motion for acquittal tests the sufficiency of the evidence. *State v. Capp*, 2016-Ohio-295, ¶ 19 (8th Dist.). Crim.R. 29 mandates that the trial court issue a judgment of acquittal where the City’s evidence is insufficient to sustain a conviction for an offense. *Id.*, citing *State v. Taylor*, 2014-Ohio-3134, ¶ 21 (8th Dist.). Accordingly, we review a trial court’s denial of a defendant’s motion for acquittal using the same standard we apply when reviewing a sufficiency-of-the-evidence claim. *Taylor* at ¶ 21-23.

{¶ 38} When reviewing the sufficiency of the evidence, an appellate court must 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. Leonard*, 2004-Ohio-6235, ¶ 77, quoting *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus. The test for sufficiency requires a determination of whether the prosecution met its burden of production at trial. *State v. Bowden*, 2009-Ohio-3598, ¶ 12 (8th Dist.). When performing a sufficiency inquiry, an appellate court does not assess whether the City’s evidence is to be believed but whether, if believed, the evidence admitted at trial supported the conviction. *Thompkins*, at 387; *Jenks* at paragraph two of the syllabus. A sufficiency-of-the-evidence argument is not a factual determination, but a question of law. *Thompkins* at 386.

{¶ 39} In this case, the evidence at trial demonstrated that Reynolds was stopped by police on Rockside Road immediately after failing to stop at a stop sign on Vickie Lane. Officer Pelsnik testified that Rockside Road is just north of South

Lane and that Vickie Lane runs north south. The bodycam video established that Officer Pelsnik approached Reynolds's vehicle at 10:57 p.m. The citation was issued at 10:59 p.m. As previously discussed, the exact time of the citation is not an essential element of the offense. Therefore, when viewing the evidence in the light most favorable to the City, we find that there was sufficient evidence that Reynolds failed to stop at a stop sign on Vickie Lane at South Lane around 10:59 p.m. on June 9, 2025.

{¶ 40} Accordingly, Reynolds's second assignment of error is overruled.

Bias

{¶ 41} In Reynolds's fourth and final assignment of error, he asserts that the trial court was biased against him, asserting that the trial court treated him differently than it treated Officer Pelsnik and, thus, his due process rights were violated. Additionally, Reynolds asserts that the judge displayed a mocking and hostile tone at a preliminary hearing.

{¶ 42} We note that R.C. 2701.031 provides the exclusive means by which a litigant may claim that a municipal court judge is unduly interested, biased, or prejudiced. That statute requires that an affidavit be filed with the clerk of the supreme court. Although appellate courts lack the authority to find that a judge is biased against a party or void a trial court's judgment on a claim that the trial judge was biased, we can review biased comments for due-process violations. *State v. Reese*, 2019-Ohio-4670, ¶ 24 (8th Dist.).

{¶ 43} “Judicial bias” has been defined as “a hostile feeling or spirit of ill will or undue friendship or favoritism toward one of the litigants or his [or her] attorney, with the formation of a fixed anticipatory judgment on the part of the judge, as contradistinguished from an open state of mind which will be governed by the law and the facts.” *State v. Dean*, 2010-Ohio-5070, ¶ 48, quoting *State ex rel. Pratt v. Weygandt*, 164 Ohio St. 463 (1956), paragraph four of the syllabus. This court has held that “it is incumbent upon the judiciary to remain detached and neutral in any proceeding before it. . . . When determining whether or not a trial judge’s comments were appropriate, a reviewing court must decide whether the remarks were prejudicial to a defendant’s right to a fair” proceeding. *State v. Harris*, 2024-Ohio-246, ¶ 24 (8th Dist.), quoting *State v. Blazer*, 2010-Ohio-6367, ¶ 49 (8th Dist.). “A judge is presumed to be unbiased and unprejudiced over the matters in which she or he presides.” *Id.*, quoting *State v. Bonnell*, 2009-Ohio-2721, ¶ 12 (8th Dist.). And “the appearance of bias or prejudice must be compelling in order to overcome the presumption.” *State v. Eaddie*, 2018-Ohio-961, ¶ 18 (8th Dist.), quoting *State v. Filous*, 2016-Ohio-8312, ¶ 14 (8th Dist.).

{¶ 44} Reynolds asserts that there is evidence of bias because the trial court instructed Reynolds to answer a question but did not instruct Officer Pelsnik to answer what time the alleged traffic violation occurred. We find no merit to Reynolds’s argument.

{¶ 45} Contrary to Reynolds’s assertions, the trial court never instructed Reynolds to answer a question. The only exchange even close to Reynolds’s accusation is the following:

THE CITY: And where were you coming from?

REYNOLDS: What does that matter?

COURT: That’s a question she asked.

REYNOLDS: Oh. Where was I coming from? I don’t recall it was so long ago. I just know I was in Bedford. I’m sorry. I mean I was in Bedford on Rockside Road.

(Trial Tr. 37.) Even if this can be construed as instructing Reynolds to answer, a trial court has broad discretion to control the proceedings to enable it to exercise its jurisdiction in an orderly and efficient manner. *Hadjuk v. Rusnak*, 2024-Ohio-339, ¶ 38 (8th Dist.), citing *Regalbuto v. Regalbuto*, 2013-Ohio-5031, ¶ 13 (8th Dist.). In fact, Evid.R. 611(A) states that the court “shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.” We find that the trial court was well within its authority to instruct Reynolds to answer the question posed by the City.

{¶ 46} Regarding the trial court’s alleged failure to instruct Officer Pelsnik to answer Reynolds question regarding the exact time of the traffic violation, a review of the transcript reveals that when Reynolds questioned Officer Pelsnik about the exact time the traffic violation occurred, Officer Pelsnik testified that he would need

to review the citation because he could not recall from memory. Reynolds did not attempt to refresh Officer Pelsnik's recollection with the citation as is permitted by Evid.R. 612. He just proceeded to the next question. Litigants who proceed pro se are presumed to know the law and correct procedure and are held to the same standards as other litigants. *Dolbin v. Colahan*, 2023-Ohio-4536, ¶ 16 (8th Dist.), citing *Kilroy v. B.H. Lakeshore Co.*, 111 Ohio App.3d 357, 363 (8th Dist. 1996).

{¶ 47} A review of the transcript reveals that Officer Pelsnik was not being evasive like Reynolds was during his testimony. Rather, Officer Pelsnik could not recall the exact time of the traffic offense. Therefore, it was Reynolds's responsibility to refresh Officer Pelsnik's recollection. It was not incumbent upon the trial court to instruct Officer Pelsnik to answer the question.

{¶ 48} Lastly, we find no merit to Reynolds's argument that the trial court used a mocking and hostile tone at a preliminary hearing. The record reflects that the trial court entertained numerous motions and repeated questions by Reynolds. The trial court responded with clear and straightforward answers and explanations. Furthermore, the trial court granted Reynolds's motion for bill of particulars when a bill of particulars is not required in a traffic case. Finally, the trial court found Reynolds's not guilty of failing to have his rear license plate illuminated when there was testimony to the contrary.

{¶ 49} After reviewing the entire record, we find that Reynolds failed to establish that the trial court was biased against him or that his due process rights were violated.

{¶ 50} Accordingly, Reynolds's fourth assignment of error is overruled.

{¶ 51} Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the municipal court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MARY J. BOYLE, JUDGE

MICHELLE J. SHEEHAN, A.J., and
TIMOTHY W. CLARY, J., CONCUR