

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

CITY OF ROCKY RIVER,	:	
	:	
Plaintiff-Appellee,	:	No. 115685
	:	
v.	:	
	:	
ALISON ABDUL-KAREEM,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: VACATED AND REMANDED
RELEASED AND JOURNALIZED: September 10, 2026

Criminal Appeal from the Rocky River Municipal Court
Case No. 24 CRB 1857

Appearances:

A. Steven Dever, Rocky River Prosecutor, *for appellee.*

The Law Firm of Curt C. Hartman and Curt C. Hartman,
for appellant.

DEENA R. CALABRESE, J.:

{¶ 1} Defendant-appellant Alison Abdul-Kareem (“Abdul-Kareem”) appeals her conviction for disorderly conduct following a bench trial. She contends that the trial court erred in adopting the magistrate’s decision because it did not include the required Crim.R. 19(D)(3)(a)(iii) language in the magistrate’s decision, that the City

of Rocky River (the “City”) failed to establish venue, that her conviction was not supported by sufficient evidence, and that her conviction was against the manifest weight of the evidence. For the reasons stated below, we vacate Abdul-Kareem’s conviction and remand for further proceedings consistent with this opinion.

I. Relevant Facts and Procedural History

{¶ 2} Abdul-Kareem was charged with disorderly conduct in violation of Rocky River Cod.Ord. 509.03(a)(1), a fourth-degree misdemeanor, after an incident that took place at the Continental West Apartment Complex where she resided. The City later amended the charge to disorderly conduct pursuant to Rocky River Cod.Ord. 509.03(a)(1), a minor misdemeanor.

{¶ 3} On November 16, 2024, workers were delivering furniture to Ervin Lamaj (“Lamaj”), who also resided at the Continental West. Abdul-Kareem and her partner, Jason Sonenshein (“Sonenshein”), confronted the delivery workers because they believed the workers were not following the apartment complex rules related to delivering furniture and because the workers left an outside entrance door propped open to facilitate the delivery.

{¶ 4} The case proceeded to a trial before a magistrate who heard testimony from several witnesses, including Ross Franks (“Franks”), Officer Monty Hamaoui (“Off. Hamaoui”), Sonenshein, Abdul-Kareem, and Lamaj. The relevant testimony and evidence presented at the trial were as follows.

A. Ross Franks

{¶ 5} Franks testified that he is employed as the facilities manager at the Continental West. On November 16, 2024, Lamaj had a furniture delivery scheduled and had previously secured all necessary approvals for the delivery from Franks. Abdul-Kareem and Sonenshein confronted the furniture delivery workers about leaving the exterior door propped open. The situation escalated quickly and turned into Abdul-Kareem and Sonenshein shouting at Lamaj in the hallways of the Continental West. Multiple residents called law enforcement to report the disruption.

{¶ 6} In addition, the wheel chock that the furniture delivery drivers had used to prop open the exterior door was missing. Franks learned that Abdul-Kareem removed the wheel chock and hid it under a counter in the mail room.

B. Officer Monty Hamaoui

{¶ 7} Off. Hamaoui testified that he is employed as a Rocky River police officer. On the morning of November 16, 2024, he responded to multiple calls that there was a disturbance in the lobby of the Continental West at 3400 Wooster Road. When he arrived at the scene, he observed Abdul-Kareem screaming. He viewed video, City's exhibit No. 1, taken by one of the delivery drivers, and determined that Abdul-Kareem had interjected herself and was attempting to impede the delivery workers as they were delivering furniture. After watching the video and speaking with other individuals involved in the incident, Off. Hamaoui determined that

Abdul-Kareem should be charged with disorderly conduct pursuant to Rocky River Cod.Ord. 509.03(a)(1).

C. Ervin Lamaj

{¶ 8} Lamaj testified that he is a resident of the Continental West. On November 16, 2024, delivery workers were moving furniture into his unit. During the move, Abdul-Kareem appeared and confronted him and the delivery workers. Lamaj testified that Abdul-Kareem screamed at them, shouted profanities at them, blocked the door, and physically impeded the movement of the furniture.

D. Evidence Admitted at Trial

{¶ 9} The City admitted two video clips into evidence. The first video shows a chaotic encounter between Abdul-Kareem, two furniture delivery workers, Sonenshein, and Lamaj. At the beginning of the video, Abdul-Kareem pushes Sonenshein and shouts profanities at him. The video also shows the furniture delivery workers attempting to move a large box and asking Abdul-Kareem to move out of their way. Abdul-Kareem is shouting, including shouting profanities at the delivery workers for the duration of the video. The video depicts Abdul-Kareem standing in the middle of the hallway, blocking the movement of the furniture, and shouting “[c]all the cops. No, I’m not moving. Call the cops.” Towards the end of the video, Abdul-Kareem appears to fall, but the clip does not show what caused her to fall.

{¶ 10} On August 12, 2025, the magistrate issued a journal entry that indicated the magistrate found Abdul-Kareem guilty of disorderly conduct and

imposed a fine of \$100. The journal entry does not state that it is a magistrate's decision and does not include a Crim.R. 19(D)(3)(a)(iii) notification.

{¶ 11} On September 12, 2025, the trial court issued a journal entry adopting the magistrate's decision. It states as follows:

Below-named Defendants

Defendants having been fully informed of their rights pursuant to Criminal Rule 5, and having entered their pleas to the charges and the matters being duly heard, the Sentences and Judgements listed below are recommended by the Magistrate.

Having reviewed the pleas and recommended Sentences and Judgements in each case, the following recommendations are accepted, approved and adopted as Judgements of this Court.

24 CRB 1857 Alison M. Abdul-Kareem

{¶ 12} Abdul-Kareem filed this appeal on October 14, 2025. This court dismissed the appeal, finding that the trial court's September 12, 2025 order was not a final appealable order.¹ In response, on November 4, 2025, the trial court issued a second journal entry adopting the magistrate's decision. The trial court's second journal entry states:

¹ This court's October 23, 2025 order stated, in relevant part, "[T]he appeal is dismissed for lack of a final appealable order. R.C. 2505.02. The sentencing entry signed by the trial judge purports to adopt the sentence set forth in a magistrate's decision. In order to present a final, appealable order, the sentencing entry must have the fact of conviction, the sentence, the clerk's file-stamp, and the signature of the judge. *State v. Lester*, [2011-Ohio-5204]. The sentence must be specified in the sentencing entry, entered by the trial judge and set forth as a judgment of the court. The magistrate only has power to recommend the sentence, not impose the sentence. *See Parma v. Greyssa*, 2019-Ohio-4576 (8th Dist.). Accordingly, there is no valid sentence and no final, appealable order. *Id.* at ¶ 7."

The Court on September 12, 2025 having undertaken an independent review of the Magistrate's decision dated August 12, 2025 hereby re-adopts the Magistrate's Decision adjudicating Defendant guilty of Disorderly Conduct pursuant to Rocky River Codified Ordinance 509.03(A), a Minor Misdemeanor and adopts the Magistrate's sentence of a \$100.00 fine and court costs to Defendant.

Upon review of the recorded proceedings involving the trial of the Defendant, the Court hereby finds that the Magistrate's determination of the factual issues was indeed proper and that the application of the appropriate law was applied.

Defendant has not filed objections to the Magistrate's decision of August 12, 2025.

{¶ 13} Consequently, Abdul-Kareem's appeal was reinstated. Abdul-Kareem

raises the following assignments of error for our review:

1. The trial court erred in adopting the Magistrate's Decision notwithstanding the magistrate failing to include conspicuously in the Magistrate's Decision the notice mandated by Crim.R. 19(D)(3)(a)(iii) as to the necessity of objections so as to preserve issues for review on appeal.
2. The trial court erred to the Defendant's prejudice by finding her guilty of disorderly conduct because, where the prosecution failed to prove venue beyond a reasonable doubt, the finding of guilty was not supported by sufficient evidence.
3. The conviction entered by the trial court is against the sufficiency of the evidence.
4. The conviction entered by the trial court is contrary to the manifest weight of the evidence.

II. Law and Analysis

A. Crim.R. 19(D)(3)(a)(iii)

{¶ 14} In her first assignment of error, Abdul-Kareem contends that the trial court erred because the magistrate’s decision did not include the language mandated by Crim.R. 19(D)(3)(a)(iii). We agree.

{¶ 15} Pursuant to Crim.R. 19(D)(1)(a), “[a] court of record may . . . refer a particular case or matter of a category of cases or matters to a magistrate.” This includes a referral to conduct the trial of any misdemeanor case. *See* Crim.R. 19(C)(1)(h). Magistrates are required to prepare a magistrate’s decision for any matter referred under Crim.R. 19(D)(1). *See* Crim.R. 19(D)(3)(i). Magistrates are also required to comply with Crim.R. 19(D)(3)(a)(iii), which mandates that a magistrate’s decision include a notification to the parties that they have 14 days to file objections in order to preserve an issue for appeal.

{¶ 16} The procedures set forth in Crim.R. 19(D) afford the parties ““a meaningful opportunity to file objections to the magistrate’s decision.”” *Strongsville v. Henry*, 2023-Ohio-1891, ¶ 33 (8th Dist.), quoting *State v. Wheeler*, 2016-Ohio-2964, ¶ 10 (2d Dist.), quoting *Skydive Columbus Ohio, LLC v. Litter*, 2010-Ohio-3325, ¶ 6 (10th Dist.). Pursuant to Crim.R. 19(D)(4)(c), “[i]f no timely objections are filed, the court may adopt a magistrate’s decision, unless it determines that there is an error of law or other defect evident on the face of the magistrate’s decision.” If a party files objections to the magistrate’s decision, then “the court shall undertake an independent review as to the objected matters to

ascertain that the magistrate has properly determined the factual issues and appropriately applied the law.” See Crim.R. 19(D)(4)(d). If a party fails to file timely objections to the magistrate’s decision, that party forfeits appellate review of the issue, except for a claim of plain error. See *Henry* at ¶ 36, Crim.R. 19(D)(3)(b)(iv). Therefore, Crim.R. 19(D)(3)(a)(iii)’s notice requirement ““serves to warn the parties of the consequences of failing to file objections.”” *Id.* at ¶ 33, quoting *Wheeler* at ¶ 10, quoting *Walters v. Lewis*, 2016-Ohio-1064, ¶ 18 (7th Dist.).

{¶ 17} When a party does not file objections and the Crim.R. 19(D)(3)(a)(iii) language is not included in a magistrate’s decision, appellate courts will either remand the case to the trial court so that the parties may have the opportunity to file objections to the magistrate’s decision or will permit the appellant to raise arguments challenging the magistrate’s decision for the first time on appeal. *Henry* at ¶ 40, citing *Parma v. Hardimon*, 2021-Ohio-4430, ¶ 10 (8th Dist.). This court has consistently remanded matters to the trial court after failure to comply with the requirements of Crim.R. 19(D)(3)(a)(iii) so that the magistrate could issue a decision that complies with the rule and the parties could have the opportunity to file objections. See, e.g., *Henry* at ¶ 41; *State v. McMahon*, 2023-Ohio-4532, ¶ 13 (8th Dist.).

{¶ 18} For the reasons stated above, we vacate Abdul-Kareem’s conviction and remand the matter to the trial court so that the magistrate can prepare and file a decision that complies with Crim.R. 19(D)(3)(a)(iii), and the parties may then have the opportunity to file objections to the magistrate’s decision. Her first assignment

of error being dispositive, all other assignments of error are rendered moot. App.R. 12(A)(1)(c).

{¶ 19} Judgment vacated, and the case is remanded to the trial court for further proceedings consistent with this opinion.

It is ordered that appellant recover from appellee 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.

DEENA R. CALABRESE, JUDGE

MICHELLE J. SHEEHAN, A.J., and
ANITA LASTER MAYS, J., CONCUR