

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

CITY OF WARRENSVILLE HEIGHTS, :

Plaintiff-Appellee, :

No. 115661

v. :

JAZMANE PRESTON, :

Defendant-Appellant. :

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: September 24, 2026

Civil Appeal from the Bedford Municipal Court
Case No. 25TRD01278

Appearances:

Bricker Graydon Wyatt LLP and Greg Peltz, *for appellee*.

Jazmane Preston, *pro se*.

MICHAEL JOHN RYAN, J.:

{¶ 1} Pro se defendant-appellant, Jazmane Preston, brings her fourth appeal challenging her conviction in various jurisdictions for an expired license plate.¹

¹ See *Beachwood v. Preston*, 2026-Ohio-2320 (8th Dist.); *Rocky River v. Preston*, 2026-Ohio-1865 (8th Dist.); *Cleveland Hts. v. Preston*, 2026-Ohio-344 (8th Dist.). Appellant attempted to file another appeal in this court challenging her conviction for an

In this appeal, she challenges her conviction for a violation of Warrensville Heights Cod.Ord. (“WHCO”) 335.10(D) for expired plates and WHCO 335.19 for failure to yield to a stop sign. For the reasons that follow, we affirm the trial court’s judgment.

{¶ 2} Preston was cited by Warrensville Heights Police Department patrol officer Elizabeth Roxbury (“Officer Roxbury”) for the above two traffic violations. The matter proceeded to a bench trial at which appellant proceeded pro se.

{¶ 3} On February 3, 2025, Officer Roxbury was patrolling the intersection of Midway and Wickfield Avenues because of resident complaints that drivers would often fail to stop at the intersection’s stop signs. Officer Roxbury observed appellant’s car traveling eastbound on Wickfield Avenue. Appellant failed to stop at the stop sign. The officer initiated a traffic stop and found that appellant appeared to be driving with an expired plate. The officer confirmed that the plate had expired through the Law Enforcement Automated Data System (“LEADS”). A copy of the report was entered into evidence. Officer Roxbury testified that her body camera was not functioning properly at the time of the stop.

{¶ 4} The trial court found appellant guilty of both offenses and fined her \$50 plus court costs.

{¶ 5} This appeal followed. Appellant raises five assignments of error for our review:

expired license plate, but the appeal was untimely filed and dismissed. *See S. Euclid v. Preston*, No. 116171, Motion No. 592776 (8th Dist. Mar. 6, 2026). Additionally, appellant attempted to file an appeal in the Ninth District Court of Appeals challenging her conviction for an expired license plate, but the appeal was untimely filed and dismissed. *See Macedonia v. Preston*, No. CA-31460 (9th Dist. May 6, 2025).

I. The trial court violated Appellant's constitutional right to be informed of the nature and cause of the accusation, as guaranteed by the Sixth Amendment to the United States Constitution and Article I, Section 10 of the Ohio Constitution, by failing to clarify the charges against Appellant.

II. The trial court erred and violated Appellant's due process rights under the Fourth Amendment to the United States Constitution and Article I, Section 16 of the Ohio Constitution by permitting the prosecution to proceed without material evidence, including the failure to activate and preserve body-worn camera footage.

III: The trial court violated Appellant's right to due process by failing to rule upon or consider Appellant's pending motions prior to proceeding to trial.

IV: The trial court erred in enforcing a municipal ordinance that conflicts with general laws of the State of Ohio, in violation of Article XVIII, Section 3 of the Ohio Constitution, by upholding Appellant's conviction of expired plates under a local ordinance that is inconsistent with the state statutory scheme.

V: The trial court erred by permitting Appellant to be subjected to repeated or successive prosecution and punishment arising from the same underlying failure to maintain vehicle registration, in violation of the Double Jeopardy Clauses of the Fifth Amendment to the United States Constitution and Article I, Section 10 of the Ohio Constitution.

{¶ 6} In the first assignment of error, appellant argues that the trial court violated her constitutional rights under the United States and Ohio Constitutions by failing to clarify the charges against her. Specifically, she argues that she was entitled to a bill of particulars and the court was obligated to explain the "elements of the offense" and "clarify the conduct being alleged." (Appellant's brief p. 8).

{¶ 7} In Ohio, traffic cases are generally governed by the Ohio Traffic Rules and not by the Rules of Criminal Procedure. *Bedford Hts. v. Reynolds*, 2026-Ohio-3234, ¶ 31 (8th Dist.), citing *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).” *Reynolds* at *id.*²

{¶ 8} Nevertheless, the record reflects that the information appellant requested was either given to her prior to trial or was not appropriate for a pretrial motion. Moreover, appellant indicated she was satisfied with the information she had been given.

{¶ 9} Appellant received a copy of the Ohio Uniform Traffic Ticket and copies of the ordinances she was alleged to have violated. The Ohio Traffic Rules do not require more.

{¶ 10} The first assignment of error is overruled.

{¶ 11} In the second assignment of error, appellant argues that her convictions were not supported by sufficient evidence and were against the manifest weight of the evidence. Specifically, appellant claims that the trial court erred in finding her guilty when the city did not provide physical evidence to support her convictions.

{¶ 12} “Although sufficiency and manifest weight are different legal concepts, manifest weight subsumes sufficiency; that is, a finding that a conviction is supported by the manifest weight of the evidence necessarily includes a finding of

² Crim.R. 7(E) provides 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.”

sufficiency.” *State v. Reillo*, 2026-Ohio-3222, ¶ 24 (8th Dist.), quoting *State v. Williams*, 2023-Ohio-3246, ¶ 48 (8th Dist.).

{¶ 13} In considering a manifest weight argument, an appellate court ““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.”” (Cleaned up.) *Reillo* at ¶ 18, quoting *State v. Reillo*, 2026-Ohio-2701, ¶ 26.

{¶ 14} Appellant was convicted of WHCO 335.10(d), which provides that “[n]o person shall park or operate any vehicle upon any public street or highway upon which is displayed an expired license plate or an expired validation sticker.” Appellant was also convicted of WHCO 331.19, which provides that “[e]xcept when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line” Neither offense requires corroborating evidence; although here, the officer’s testimony was corroborated by the LEADS report, which showed that appellant’s registration was expired.

{¶ 15} Officer Roxbury testified that she was assigned to watch vehicles at the intersection of Midway and Wickfield Avenues because of numerous complaints from residents that drivers would not stop, or come to a complete stop, at the intersection’s stop signs. On February 3, 2025, Officer Roxbury observed appellant traveling eastbound on Wickfield Avenue. Appellant failed to stop at the stop sign.

She further noted that appellant's vehicle had an expired registration sticker. She initiated a traffic stop and confirmed through the LEADS report that appellant's vehicle registration expired in May 2024. She further testified that although she was wearing a body camera at the time, it had malfunctioned and was not working.

{¶ 16} Affording proper deference to the factfinder's verdict, we find that the trial court did not lose its way and create such a manifest miscarriage of justice that reversal is required. Appellant's convictions were not against the manifest weight of the evidence and were also therefore supported by sufficient evidence.

{¶ 17} The second assignment of error is overruled.

{¶ 18} In the third assignment of error, appellant argues that the trial court violated her due process rights by failing to rule on her motions for a bill of particulars and discovery.

{¶ 19} Pursuant to Traf.R. 11(B)(2)(b), a request for discovery may be made in traffic cases. Prior to trial, the court and the parties discussed discovery and it was determined that appellant had received all of the city's discovery; appellant did not challenge this finding. As to her motion for a bill of particulars, as discussed, appellant was not entitled to a bill of particulars under the Ohio Traffic Rules.

{¶ 20} The third assignment of error is overruled.

{¶ 21} In the fourth assignment of error, appellant alleges that WHCO 335.10(d) conflicts with R.C. 4503.11 and is a violation of Warrensville Heights' home rule authority.

{¶ 22} “[A]n appellate court will not consider any error which counsel for a party complaining of the trial court’s judgment could have called but did not call to the trial court’s attention at a time when such error could have been avoided or corrected by the trial court.” (Cleaned up.) *Preston*, 2026-Ohio-344, at ¶ 55 (8th Dist.).³ In *State v. Awan*, 22 Ohio St.3d 120, 122 (1986), the Ohio Supreme Court explained that “the question of the constitutionality of a statute must generally be raised at the first opportunity and, in a criminal prosecution, this means in the trial court.”

{¶ 23} Because appellant did not raise the constitutionality of the codified ordinances she was alleged to have violated, she has forfeited her constitutional challenges to the laws and we will not consider them for the first time on appeal. *Preston*, 2026-Ohio-344, at ¶ 56, citing *State v. White*, 2021-Ohio-2441, ¶ 10 (8th Dist.).⁴

{¶ 24} The fourth assignment of error is overruled.

{¶ 25} In the fifth assignment of error, appellant argues that because she has previously been convicted of expired plates in other jurisdictions, her convictions in

³ We recognize that appellant was proceeding pro se, but pro se litigants are held to the same standard as all other litigants under Ohio law. (Cleaned up.) *Preston*, 2026-Ohio-344, at ¶ 20.

⁴ Although an appellate court has discretion “to consider constitutional challenges to the application of statutes in specific cases of plain error or where the rights and interests involved may warrant it,” we decline to exercise this discretion in this case. *Preston*, 2026-Ohio-344, at *id.*, citing *White* at ¶ 12.

the present case violate the Double Jeopardy Clause of the Fifth Amendment to the United States Constitution and Article I, Section 10 of the Ohio Constitution.

{¶ 26} The Double Jeopardy Clause of the Fifth Amendment to the United States Constitution provides that no person shall “be subject for the same offense to be twice put in jeopardy of life or limb.” Article 1, Section 10 of the Ohio Constitution similarly provides, “No person shall be twice put in jeopardy for the same offense.”

{¶ 27} Appellant argues that this applies to her present case but offers no authority to support her claim. Appellant was convicted and sentenced by several different cities for violating the municipalities’ prohibition on expired plates. Appellant committed each offense on different dates in different jurisdictions. The violations in this case were committed separately from those in her other cases. Therefore, double jeopardy does not apply. *See Village of St. Paris v. Galluzzo*, 2015-Ohio-3385, ¶ 30, 33 (2d Dist.) (rejecting defendant’s double jeopardy claim when he was charged with driving with expired plates on different dates); *Preston*, 2026-Ohio-344, ¶ 47 (8th Dist.) (“Courts reject double-jeopardy claims where charged offenses arise from separate conducts or acts.”).

{¶ 28} The fifth assignment of error is overruled.

{¶ 29} Finally, appellant has filed or attempted to file multiple appeals in this court and in the Ninth District Court of Appeals challenging her convictions for expired plates. In *Preston*, 2026-Ohio-1865 (8th Dist.), this court warned:

Having found no basis in law for this appeal, Preston is hereby forewarned that if she files any such frivolous appeals subsequent to the release of this opinion, she may be declared a vexatious litigator,

subject to future appellate filing requirements under Loc.App.R. 23(B)-(C).

Id. at ¶ 28.

{¶ 30} The notice of appeal was filed in this case prior to the release of *Preston*, 2026-Ohio-1865. Thus, we reiterate the caution that appellant may be declared a vexatious litigator if she continues to file frivolous appeals.

{¶ 31} 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.

MICHAEL JOHN RYAN, JUDGE

MICHELLE J. SHEEHAN, A.J., and
LISA B. FORBES, J., CONCUR