

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

C.A. No. 30776

Appellee

v.

ALEXANDER QUARTERMAN

Appellant

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF SUMMIT, OHIO
CASE No. CR-2022-09-3082-B

DECISION AND JOURNAL ENTRY

Dated: September 30, 2026

HENSAL, Presiding Judge.

{¶1} In this reopened appeal, Appellant, Alexander Quarterman, appeals the judgment of the Summit County Court of Common Pleas. This Court confirms our prior decision and, therefore, the trial court’s judgment is affirmed.

I.

{¶2} This matter arises out of a deadly shooting that occurred in Akron during the summer of 2022. In connection to the incident, the Summit County Grand Jury indicted Mr. Quarterman and his co-defendant, Anthony Fowler, on one count of murder, one count of felony murder, one count of felonious assault relating to the use of a vehicle during the incident, and one count of felonious assault relating to the use of a firearm during the incident. The charges of murder, felony murder, and felonious assault relating to the use of a firearm were accompanied by firearm specifications. The charges stemmed from the allegation that Mr. Fowler struck the victim, D.P., while driving a red Jeep Cherokee. The State further alleged that after Mr. Fowler struck

D.P., Mr. Quarterman exited the red Jeep Cherokee and shot D.P. in the neck. D.P. died at the scene. Mr. Quarterman pleaded not guilty to the charges at arraignment. The matter proceeded to a jury trial.

{¶3} This Court summarized the evidence presented at trial in our prior decision:

[] At trial, the State presented evidence from eight witnesses. The State's witnesses included Fowler's cousin, D.P.'s nephew ("Nephew"), the responding officers and detectives, the Chief Medical Examiner for Summit County, and a forensic scientist from the Bureau of Criminal Investigation ("BCI"). The defense presented no witnesses. This Court will briefly summarize the testimony of the State's witnesses.

[] Nephew provided the following version of the events, some of which [were] supported by surveillance videos the State played for the jury. Nephew and D.P. went to a mini mart on the corner of Copley Road and Noble Avenue on July 17, 2022, to play video games. The video games were in the back room of the mini mart.

[] While Nephew and D.P. were in the back room, Fowler and Quarterman arrived in a red Jeep Cherokee. Fowler was the driver and Quarterman was the front-seat passenger. After Fowler parked the Jeep, Quarterman entered the mini mart and went to the back room. Quarterman was purportedly looking for someone named "HD" who was not at the mini mart.

[] Fowler entered the mini mart after Quarterman and grabbed a drink from one of the refrigerators. A surveillance video showed D.P. emerge from the back room, walk up to Fowler, and punch Fowler in the face as Fowler began to take a sip from his drink. A brief "scuffl[e]" ensued among D.P., Fowler, and Quarterman. During the altercation, some of Fowler's drink spilled on Quarterman. Nephew testified that he helped break up the altercation. In doing so, Nephew felt what he thought was a gun on Quarterman's hip.

[] Nephew helped escort Fowler and Quarterman out of the mini mart. A surveillance video showed Fowler exit the mini mart, walk back to the red Jeep, and get into the driver's seat. The video also showed Quarterman exit the mini mart while Nephew stood at the door to prevent Quarterman from re-entering. Nephew testified that Quarterman wanted to re-enter the mini mart to get his phone, but that he (Nephew) said he would get [it] for him. Nephew testified that Quarterman said "I'm going to get him[.]" referring to D.P., before Quarterman walked back to the red Jeep and got into the front passenger seat. The surveillance video showed that Quarterman took off his white t-shirt after exiting the mini mart, presumably because some of Fowler's drink spilled on him during the altercation. Fowler and Quarterman then drove out of the parking lot.

[] Nephew and D.P. left the mini mart a few minutes later. Nephew drove D.P. to a friend's house a short distance from the mini mart. After dropping D.P. off, Nephew drove around the block a few times because he was "rattled" by the events at the mini mart. While driving, Nephew saw D.P. get out of a car at a street corner and begin walking through a parking lot. Nephew then saw the red Jeep speed up behind D.P. and strike D.P., causing D.P. to fall to the ground. Nephew then saw Quarterman, who was in the front passenger seat of the Jeep, get out of the Jeep and shoot D.P. The Jeep then sped away from the scene.

[] In addition to surveillance videos from the mini mart, the State played a surveillance video that showed a red Jeep strike D.P. That video also showed D.P. attempt to get back up before being shot. The shooter is not visible in the surveillance video, nor is the driver of the red Jeep. None of the surveillance videos showed the license plate of the Jeep. According to Nephew, the Jeep he saw strike D.P. was the same Jeep he saw Fowler and Quarterman get into in the parking lot of the mini mart. According to one of the detectives, the red Jeep in the surveillance videos was unique because it was missing the Jeep emblem on the front.

[] The police arrived and observed that D.P. had sustained a fatal gunshot wound to his neck. Nephew told the police at the scene that men in a red Jeep struck and shot D.P. As part of their investigation, the police posted still images from the surveillance videos on social media. A few days after the shooting, Fowler's cousin, S.P., contacted the police.

[] S.P. testified at trial, acknowledging that she was under subpoena and did not want to testify against Fowler. S.P. testified that she contacted the police because she learned that a car that looked like hers was involved in a shooting. S.P. claimed that she initially contacted the police because she was "drinking" and "paranoid." S.P. testified that she owned a red Jeep Cherokee, and that she loaned it to Fowler on or around July 17, 2022. S.P. acknowledged that her Jeep did not have a Jeep emblem on the front.

[] The State questioned S.P. as to whether anyone was with Fowler when Fowler picked up the Jeep from her, whether she noticed any damage to her Jeep after Fowler returned the Jeep to her, and whether anyone was with Fowler when he returned the Jeep to her. S.P. testified that she did not remember whether anyone was with Fowler when Fowler picked up the Jeep, and that no one was with him when he returned the Jeep to her. S.P. also testified that she did not observe any new damage to the Jeep, but claimed that the Jeep had prior damage to the front hood.

[] During S.P.'s testimony, the State and defense counsel went into the trial court's chambers to discuss the State's position that S.P.'s testimony was not consistent with her prior statement to the police. The State asked the trial court if it could show S.P. a video of her prior statement outside the presence of the jury to refresh S.P.'s recollection, which the trial court allowed. S.P. then continued with her testimony.

[] Upon resuming her testimony, S.P. claimed that she did not remember what she previously told the police, nor whether she told the police the truth. S.P. acknowledged that she previously told the police that she observed damage to the hood of her Jeep when Fowler returned it to her, but claimed that she meant it was prior damage, not new damage. S.P. also testified that she previously assumed the Jeep involved in the shooting was her Jeep because it was a “look-alike.”

[] The police testified that they discovered two cartridge casings in the parking lot near D.P.’s body. The police also discovered a cartridge casing on the exterior window panel of S.P.’s Jeep, as well as a white t-shirt with a drink stain on it in the trunk. A forensic scientist with the BCI testified that the cartridge casings did not contain DNA, but that the white t-shirt contained a DNA profile consistent with Quarterman. Lastly, the Chief Medical Examiner testified that D.P. sustained a gunshot wound to the neck, which was fatal.

State v. Quarterman, 2024-Ohio-6095, ¶ 4-16 (9th Dist.).

{¶4} At the conclusion of trial, the jury found Mr. Quarterman guilty of all the charges and specifications in the indictment against him. After merging certain counts, the trial court imposed a total prison term of 25 years to life.

{¶5} Mr. Quarterman filed a direct appeal. Mr. Quarterman challenged the trial court’s decision to admit the surveillance videos into evidence on the grounds that the videos were not properly authenticated. *Id.* at 19. This Court rejected Mr. Quarterman’s argument on the basis that defense counsel failed to preserve the issue by filing a timely objection to the admission of the videos and, further, that Mr. Quarterman failed to raise a plain error argument on appeal. *Id.* at 21-22. This Court also rejected Mr. Quarterman’s contention that the trial court made comments in front of the jury that were prejudicial to his defense. *Id.* at 29-31. Finally, Mr. Quarterman raised two separate challenges to his sentence which this Court determined were without merit. *Id.* at 32, 37-38, 43.

{¶6} Mr. Quarterman filed a timely application to reopen his appeal. Mr. Quarterman argued that appellate counsel rendered ineffective assistance by failing to challenge the performance of trial counsel for failing to object to the admission of the surveillance videos. Mr.

Quarterman further argued that appellate counsel was ineffective for failing to raise a plain error argument. This Court granted the application and ordered that the case proceeded as though on initial appeal in accordance with the Ohio Rules of Appellate Procedure.

{¶7} In his reopened appeal, Mr. Quarterman raises six assignments of error.

II.

{¶8} We begin by outlining our standard of review in reopened appeals. “[Appellate Rule] 26(B) establishes a two-stage procedure to adjudicate claims of ineffective assistance of appellate counsel.” *State v. Leyh*, 2022-Ohio-292, ¶ 19. *Accord State v. Clark*, 2025-Ohio-4410, ¶ 18-19. “The first stage involves a threshold showing for obtaining permission to file new appellate briefs.” *State v. Osborne*, 2022-Ohio-734, ¶ 6, quoting 1993 Staff Notes to App.R. 26. At that stage, “[t]he burden is on the applicant to demonstrate a ‘genuine issue’ as to whether there is a ‘colorable claim’ of ineffective assistance of appellate counsel.” *Leyh* at ¶ 21, quoting *State v. Spivey*, 84 Ohio St.3d 24, 25 (1998). If the appellate court finds the applicant has satisfied his burden and grants the application to reopen, the matter “proceeds to the second stage, where ‘[t]he case is then treated as if it were an initial direct appeal, with briefs and oral argument.’” *State v. Calhoun*, 2022-Ohio-4269, ¶ 7 (9th Dist.), quoting *State v. Simpson*, 2020-Ohio-6719, ¶ 13.

{¶9} At the second stage, an applicant must establish “the merits of both the direct appeal and the claim of ineffective assistance of appellate counsel.” *Leyh* at ¶ 25. “[T]he prior appellate judgment may not be altered unless the applicant establishes at the second stage that the direct appeal was meritorious and failed because appellate counsel rendered ineffective assistance under the two-pronged [*Strickland v. Washington*, 466 U.S. 668 (1984)] standard.” *Id.* at ¶ 24. *Accord Clark* at ¶ 23-25.

ASSIGNMENT OF ERROR VI

APPELLATE COUNSEL DID NOT PROVIDE EFFECTIVE ASSISTANCE OF COUNSEL WHEN HE FAILED TO CONSTRUCT AND UNDERTAKE A PLAIN ERROR ANALYSIS IN THE SUBMISSION OF HIS FIRST MERIT BRIEF IN THE WITHIN MATTER.

ASSIGNMENT OF ERROR II

THE COURT ABUSED ITS DISCRETION AND COMMITTED REVERSIBLE ERROR IN ADMITTING INTO EVIDENCE THE VIDEOS, STATE'S EXHIBITS 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, AND 21, AS THERE IS NOTHING IN THE RECORD THAT AUTHENTICATES THE VIDEOS, OR THAT THEY WERE AUTHENTICATED, AND OR, RELIABLE IN EACH OF THE VIDEO'S CONTENT.

ASSIGNMENT OF ERROR V

MR. QUARTERMAN RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL WHEN HIS LAWYERS FAILED TO OBJECT TO THE ADMISSION OF THE VIDEO EXHIBITS AND PUBLICATION TO THE JURY AT THE TIME THE VIDEOS WERE PLAYED IN COURT IN THAT THE LAW REQUIRES OBJECTION CONTEMPORANEOUSLY WITH THE PRESENTATION OF THE VIDEO EVIDENCE.

{¶10} In his sixth assignment of error, Mr. Quarterman sets forth two separate grounds in support of his claim that appellate counsel rendered ineffective assistance of counsel in his original appeal.¹ First, Mr. Quarterman argues that, because trial counsel failed to object to the admission of the surveillance videos and certain photographs at trial, appellate counsel rendered ineffective assistance by failing to raise a plain error challenge to the admission of those exhibits. Second, Mr. Quarterman challenges the performance of appellate counsel for failing to raise an ineffective assistance claim on the basis that trial counsel failed to raise timely objections to the admission of the surveillance videos. As expounded upon in his second and fifth assignments of error, Mr.

¹ In his brief, Mr. Quarterman states that his claim regarding ineffective assistance of appellate counsel relates to the issues raised in his first assignment of error in his original appeal. *See Quarterman*, 2024-Ohio-6095, ¶ 19-22.

Quarterman maintains that, had appellate counsel raised these issues, the outcome of the original appeal would have been different because this Court would have been required to undertake a substantive analysis of whether the surveillance videos and photographs were properly admitted at trial.²

{¶11} Mr. Quarterman has satisfied the threshold requirement to file new briefs in this matter by making a showing that there is a genuine issue as to whether he was deprived of the effective assistance of counsel on appeal. *See Leyh*, 2022-Ohio-292, ¶ 25, citing App.R. 26(B)(5). We now turn to the second stage, where Mr. Quarterman must now establish the merits of both the direct appeal and the claim of ineffective assistance of appellate counsel. *Leyh* at ¶ 25, citing App.R. 26(B)(9).

{¶12} To prevail on a claim of ineffective assistance of counsel, Mr. Quarterman must establish (1) that his counsel’s performance was deficient to the extent that “counsel was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment” and (2) that but for his counsel’s deficient performance the result of the trial would have been different. *Strickland*, 466 U.S. at 687. A deficient performance is one that falls below “an objective standard of reasonable representation” *State v. Bradley*, 42 Ohio St.3d 136 (1989), paragraph two of the syllabus. A court, however, “must indulge a strong presumption that counsel’s conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action ‘might be considered sound trial strategy.’” *Strickland* at 689, quoting *Michel v. Louisiana*, 350 U.S. 91, 101 (1955). To establish

² Notably, while Mr. Quarterman mentions Exhibits 20 and 21 in the caption of Assignment of Error II, he has not developed an argument regarding the authentication of those exhibits in support of his assignment of error. Accordingly, this Court will not address whether there were authentication concerns pertaining to those exhibits. *See* App.R. 16(A)(7).

prejudice, Mr. Quarterman must show that there existed “a reasonable probability that, but for counsel’s errors, the outcome of the proceeding would have been different.” *State v. Sowell*, 2016-Ohio-8025, ¶ 138.

Plain Error

{¶13} In support of his position that appellate counsel rendered ineffective assistance by failing to argue plain error regarding the introduction of the surveillance videos and photographs to the jury, Mr. Quarterman contends that the exhibits were never properly authenticated pursuant to Evidence Rule 901(A). Mr. Quarterman asserts that the State never presented testimony that the exhibits were fair and accurate depictions of what actually transpired during the incident. Mr. Quarterman argues that the surveillance videos and photographs were a critical part of the State’s case and that the outcome of trial would have been different if they had not been admitted.

{¶14} Criminal Rule 52(B) provides that “[p]lain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court.” Criminal Rule 52(B) places three limitations on an appellate court’s ability to correct an error that was not properly preserved at trial. *State v. Barnes*, 94 Ohio St.3d 21, 27 (2002). Namely, the criminal plain error standard requires that Mr. Quarterman establish the following:

First, an error, *i.e.*, a deviation from a legal rule, must have occurred. Second, the error complained of must be plain, that is, it must be an obvious defect in the trial proceedings. Third, the error must have affected substantial rights. We have interpreted this [. . .] to mean that the trial court’s error must have affected the outcome of the [case].

(Quotations and citations omitted.) *State v. Morgan*, 2017-Ohio-7565, ¶ 36.

{¶15} Evidence Rule 901(A) provides that “[t]he requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.” Evidence Rule 901(B)(1) states

that a witness with knowledge may provide “[t]estimony that a matter is what it is claimed to be.” “The proponent has the burden to demonstrate a ‘reasonable likelihood’ the evidence is authentic.” *State v. Hoffmeyer*, 2014-Ohio-3578, ¶ 18 (9th Dist.), quoting *State v. Freeze*, 2012-Ohio-5840, ¶ 65 (12th Dist.). “Under the pictorial testimony theory, evidence is admissible ‘when a sponsoring witness can testify that it is a fair and accurate representation of the subject matter, based on that witness’ personal observation.’” *Hoffmeyer* at ¶ 19, quoting *Midland Steel Prods. Co. v. U.A.W. Local 486*, 61 Ohio St.3d 121, 129 (1991).

{¶16} Mr. Quarterman’s plain error argument focuses on the surveillance videos and photographs that were introduced during the testimony of Nephew, who was present during the initial altercation at the Mini Mart, and who was an eyewitness when D.P. was struck by the red Jeep Cherokee and then subsequently shot and killed. During his testimony, Nephew described how the surveillance videos from the Mini Mart and the street cameras showed various scenes that unfolded during the course of the incident. Nephew also identified a map of the Copley Road area, a photograph of the location where he spotted the red Jeep, and several photographs of the parking lot where D.P. was shot. Two detectives from the Akron Police Department testified that they obtained and reviewed the surveillance videos as part of their investigation.

{¶17} A review of the record reveals that Nephew gave the following testimony regarding the events of July 17, 2022. D.P. and Nephew drove to the Mini Mart on Copley Road in order to play video games. Mr. Fowler and Mr. Quarterman arrived on the scene as D.P. and Nephew congregated in the back room of the Mini Mart. Mr. Quarterman entered the Mini Mart first, in search of someone named “HD[.]” Mr. Fowler entered shortly thereafter. When Mr. Fowler entered the store, D.P. approached Fowler and an altercation ensued. Mr. Quarterman joined in the scuffle and punched D.P. When Nephew intervened and attempted to restrain Mr. Quarterman,

he felt a gun on Mr. Quarterman's hip. Mr. Fowler and Mr. Quarterman ultimately made their way back to the parking lot. Nephew testified that Mr. Quarterman was in a state of rage after the altercation. At one point, Nephew retrieved Mr. Quarterman's phone so that Mr. Quarterman would not reenter the store. During the exchange with Nephew, Mr. Quarterman stated, "It's the princip[le]. I'm going to get him." Mr. Fowler and Mr. Quarterman then entered the red Jeep and drove away. Nephew drove to the house of a friend who lived nearby and dropped off D.P.

{¶18} A little while later, Nephew was driving in the area when he spotted the red Jeep at the corner of Copley Road and Noah Avenue, near the Mini Mart. At the same time, Nephew saw D.P. get dropped off at the corner. D.P. began walking toward Mr. Pantry. As D.P. was walking through the parking lot, Nephew saw the red Jeep from the Mini Mart speed up and strike D.P. from behind. As D.P. attempted to get to his feet, Mr. Quarterman exited the red Jeep and shot D.P. in the neck.

{¶19} Under these circumstances, Mr. Quarterman's plain error argument is without merit. The record here shows that the State arguably satisfied the requirements of the pictorial testimony theory, given that Nephew was present at the times the events occurred and he provided extensive testimony regarding the content of the surveillance videos and photographs. Even assuming *arguendo* that the exhibits were not properly authenticated, Mr. Quarterman has failed to demonstrate that the admission of the exhibits affected the outcome of the case. *See Morgan*, 2017-Ohio-7565, ¶ 36. In addition to his testimony regarding the initial altercation with Mr. Fowler and Mr. Quarterman at the Mini Mart, Nephew provided detailed testimony regarding the subsequent sequence where D.P. was struck by the red Jeep and then shot in the neck. Mr. Quarterman's DNA was found on a shirt recovered from the red Jeep. The State also presented evidence that police found shell casings and cartridges from a 9 mm handgun both at the scene of

the shooting and on the exterior window panel of the red Jeep. Under these circumstances, Mr. Quarterman has not demonstrated that he would have prevailed in his original appeal if appellate counsel had raised a plain error challenge to the admission of the surveillance videos. *See Leyh*, 2022-Ohio-292, at ¶ 24-25.

Ineffective Assistance Claim

{¶20} Mr. Quarterman contends that appellate counsel rendered ineffective assistance by not challenging the performance of trial counsel for failing to raise an authentication objection to the surveillance videos and photographs discussed above. Mr. Quarterman asserts that trial counsel disregarded this Court’s holding in *State v. Henry*, 2016-Ohio-680, ¶ 10 (9th Dist.), where we reaffirmed that the failure to contemporaneously object to the introduction of exhibits to the jury forfeits all but plain error on appeal. Stressing that “[p]lain error is a difficult burden, and is only used in exceptional circumstances[.]” Mr. Quarterman contends that the outcome of his original appeal would have been different if the issue pertaining to the admission of the exhibits had been preserved for appeal.

{¶21} Mr. Quarterman’s ineffective assistance claim is not well taken. Generally speaking, “debatable trial tactics do not establish ineffective assistance of counsel.” *State v. Conway*, 2006-Ohio-2815, ¶ 101. “[T]his Court has consistently held that ‘trial counsel’s failure to make objections is within the realm of trial tactics and does not establish ineffective assistance of counsel.’” *State v. Bradford*, 2005-Ohio-5804, ¶ 27 (9th Dist.), quoting *State v. Taylor*, 2002-Ohio-6992, at ¶ 76 (9th Dist.); *see also State v. Link*, 2026-Ohio-1640, ¶ 23 (9th Dist.). Here, trial counsel raised numerous objections during the course of trial. It is plausible that trial counsel made a strategic decision to refrain from objecting to the introduction of the surveillance videos and photographs in order to avoid drawing further attention to those exhibits. *See State v. Daniels*,

2004-Ohio-828, ¶ 28 (2004) (noting that a defendant is not deprived of effective assistance of counsel when trial counsel makes a strategic decision not to pursue every possible objection). Under these circumstances, we cannot say that Mr. Quarterman has demonstrated that he would have prevailed in his original appeal if appellate counsel had raised an ineffective assistance claim with respect to the performance of trial counsel. *See Leyh*, 2022-Ohio-292, at ¶ 24-25.

{¶22} The second, fifth, and sixth assignments of error are overruled.

ASSIGNMENT OF ERROR I

THE COURT IMPROPERLY ADMITTED REMARKS OF [NEPHEW] IN VIDEO WHEN HE CAME TO THE SCENE OF THE EVENT BEING PROCESSED BY POLICE AS SEEN AND PUBLISHED TO THE JURY IN STATE’S EXHIBIT 20 AND 21, VIDEOS OF REMARKS MADE AT THE SCENE BY [NEPHEW] BECAUSE THE TESTIMONY IS INADMISSIBLE UNDER EVID.R. 803(2) AND VIOLATES MR. QUARTERMAN’S RIGHT TO CONFRONT WITNESSES UNDER THE OHIO AND UNITED STATES CONSTITUTIONS.

ASSIGNMENTS OF ERROR III

THE EVIDENCE WAS INSUFFICIENT TO SUPPORT THE JURY VERDICT OF “GUILTY” IN THAT [NEPHEW’S] ACCOUNT OF SEEING THE SHOOTING IS INCREDIBLE AND CONTRARY TO HIS FIRST STATEMENTS TO POLICE WHERE HE STATED HE DID NOT SEE THE SHOOTING.

ASSIGNMENTS OF ERROR IV

THE EVIDENCE IS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE IN THAT [NEPHEW’S] ACCOUNT OF SEEING THE SHOOTING IS INCREDIBLE AND CONTRARY TO HIS FIRST STATEMENTS TO POLICE WHERE HE STATED HE DID NOT SEE THE SHOOTING AND AS SUCH, THE JURY LOST ITS WAY IN ITS VERDICT[.]

{¶23} Mr. Quarterman sets forth three additional assignments of error wherein he raises various issues. In *Clark*, the Supreme Court of Ohio emphasized that Appellate Rule 26(B) requires that there must be a “link” between the assignments of error raised in a reopened appeal and the performance of appellate counsel in the original appeal. *Clark*, 2025-Ohio-4410, ¶ 24.

“The rule is clear – the claim of ineffective assistance of appellate counsel must be addressed in an appellant’s brief. When an appellant fails to do so, the assignments of error are likely barred by res judicata because those assignments of error could have been raised in the direct appeal.” (Internal citations omitted.) *Id.* Here, Mr. Quarterman has failed to articulate a link between the performance of appellate counsel and the issues he raises in his first, third, and fourth assignments of error. Accordingly, those assignments of error are barred by res judicata. *Id.*

{¶24} Mr. Quarterman’s first, third, and fourth assignments of error are overruled.

III.

{¶25} Mr. Quarterman’s assignments of error are overruled. Pursuant to Appellate Rule 26(B), this Court confirms our prior judgment in *Quarterman*, 2024-Ohio-6095. Consistent with that decision, the judgment of the Summit County Court of Common Pleas is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Summit, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

JENNIFER HENSAL
FOR THE COURT

SUTTON, J.
FLAGG LANZINGER, J.
CONCUR.

APPEARANCES:

RICHARD P. KUTUCHIEF, Attorney at Law, for Appellant.

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Prosecuting Attorney, for Appellee.