

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-190044
		C-190045
Plaintiff-Appellee,	:	C-190046
		C-190047
vs.	:	
		TRIAL NOS. 18TRD-32846(A-C)
TYRONE FRANKLIN,	:	
		<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

On August 22, 2018, Cincinnati Police Officer Kip Dunagan observed defendant-appellant Tyrone Franklin run a red light at the corner of Hopple Street and Colerain Avenue. Dunagan initiated a traffic stop for that offense. During the course of that investigation, Dunagan learned that Franklin's driver's license had been suspended. Dunagan also observed that the license plate on the vehicle Franklin was operating had expired in 2016. Franklin was cited for all three traffic offenses. After several continuances due to Franklin's failure to appear, a trial was conducted on January 2, 2019. Dunagan testified to his observations relating to the traffic stop and his subsequent investigation. He also presented a certified record from the Ohio Bureau of Motor Vehicles relating to the status of Franklin's driver's license. During the course of the trial, Franklin objected "to these whole proceedings" and claimed that he was appearing before the judge "under duress." Franklin presented a closing argument to the trial court, stating, "I want to make a closing argument as to that I only apply myself to the Constitution of the United States. Under the 14th Amendment, I have a constitutional right, not a privilege, to be on the roads that we pay for personal travel [sic]." Franklin was convicted for all three offenses.

Franklin's appellate brief in this case is not organized to present a coherent argument aimed at assisting this court in the resolution of any possible complaints relating to the proceedings below. In fact, the document seems designed to obfuscate our review. Franklin has presented no assignments of error and no citations to the record. This alone would be sufficient to allow this court to affirm the decision below. *See State v. Callahan*, 7th Dist. Mahoning No. 97 CA 0224, 2019-Ohio-941, ¶ 11 (without raising assignments of error, and without a way for the appeals court to discern assignments of error, appellant had not complied with App.R. 26(B)).

Nonetheless, we will attempt to address what issues we can discern from Franklin's filing. First, Franklin cites R.C. 2945.79. That statute allows for a trial court to grant a new trial under certain conditions such as misconduct, surprise, legal error, newly discovered evidence, or other irregularities. But no motion for a new trial was filed with the trial court. Thus, there is nothing for this court to review in that regard.

Franklin also argues that Dunagan was improperly allowed to testify as an expert witness. But the record indicates that Dunagan only testified to his observations as they related to the traffic stop and his subsequent investigation. Expert testimony is testimony which broaches a subject that is beyond "the ken" of the average person. *State v. Koss*, 49 Ohio St.3d 213, 216, 551 N.E.2d 970 (1990). Dunagan testified to what he observed. This was not expert testimony.

Finally, we conclude that the trial court was presented with sufficient evidence to conclude that Franklin violated Cincinnati Municipal Code 506-40 by running the red light, Cincinnati Municipal Code 503-52 by driving with an expired license plate, and R.C. 4510.12 by driving with a suspended driver's license. The testimony of Dunagan and the evidence he presented established these violations, and the convictions were not contrary to the manifest weight of the evidence. *See State v. Rosemond*, 1st Dist. Hamilton No. C-180221, 2019-Ohio-5356, ¶ 74.

For these reasons, we affirm the judgments of the trial court.

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A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., MYERS and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on April 22, 2020

per order of the court _____.

Presiding Judge

