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

STATE OF OHIO,	:	APPEAL NO. C-250649 TRIAL NO. C/25/CRB/945
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY*
KASSANDRA JACKSON,	:	
Defendant-Appellant.	:	

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 8/21/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer A. Hensley
Administrative Judge

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STATE OF OHIO,	:	APPEAL NO. C-250649 TRIAL NO. C/25/CRB/945
Plaintiff-Appellee,	:	
vs.	:	*O P I N I O N*
KASSANDRA JACKSON,	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Municipal Court

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: August 21, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Ronald W. Springman, Jr.,* Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Roger W. Kirk, for Defendant-Appellant.

MOORE, Judge.

{¶1} Defendant-appellant Kassandra Jackson appeals from the judgment of the Hamilton County Municipal Court. Jackson was alleged to have threatened to shoot up a local church and was convicted following a jury trial for committing telecommunications harassment, in violation of R.C. 2917.21. In her four assignments of error, Jackson argues the trial court erred in not permitting her counsel to withdraw due to a conflict of interest, that the State improperly struck a juror on the basis of the juror's race, and that Jackson's conviction was not supported by sufficient evidence and was contrary to the manifest weight of the evidence. Having considered both the arguments and the record, we affirm the trial court's judgment.

I. Factual and Procedural History

{¶2} On January 19, 2025, Jackson was arrested and charged with telecommunications harassment, in violation of R.C. 2917.21(B), a misdemeanor of the first degree. The cause proceeded to a jury trial.

A. Motion to Withdraw

{¶3} On the morning of trial, counsel for Jackson attempted to withdraw due to a potential conflict of interest. Jackson's counsel apprised the court that in an unrelated action seven years prior, counsel observed Jackson being verbally accosted by a court employee. Jackson's counsel was working for the county prosecutor's office at the time and was present in the courtroom for an unrelated bench trial. Jackson's counsel stated that after informing her client of this information, Jackson requested new counsel. The State argued that this was a delay tactic and noted that Jackson had already replaced another attorney and that the case had been set for trial multiple times. The court agreed and concluded that there was no conflict, then provided Jackson with the choice of retaining her current counsel, or proceeding pro se. Jackson

elected to continue with her current counsel, and the cause proceeded to trial.

B. Voir Dire

{¶4} During voir dire, the parties disputed the qualification of Juror 10. At the outset of voir dire, Juror 10 wrote on her juror form that she did not believe that she would be a good juror. During the State's questioning, Juror 10 stated that she believed that police can be intimidating, but that she could remain impartial during the deliberative process. Jackson also questioned Juror 10 and asked her whether she would have difficulty expressing herself because she was "soft spoken." However, Juror 10 insisted that she'd have no problem voicing her opinions.

{¶5} After the court denied the State's for-cause challenge of Juror 10, the State raised a peremptory challenge against Juror 10. Jackson's counsel objected and argued that pursuant to the Supreme Court's decision in *Batson v. Kentucky*, 476 U.S. 79 (1986), the State was attempting to impermissibly disqualify Juror 10 based on her race. The State argued that its challenge was premised on its observations during voir dire that Juror 10 was inattentive, had both eyes closed several times, and that Juror 10's answers were at times short or nonresponsive. The State explained that these behaviors might hinder Juror 10 from being an effective juror. The court agreed with the State's position, overruled Jackson's *Batson* challenge, and struck Juror 10 from the venire.

C. The State's Case

{¶6} M.C., the complaining witness, testified that in January 2025, he was working as a pastor and was living in Cincinnati. On January 15, he received several threatening text messages from two unknown numbers. These messages included statements like, "I'll shoot up your church while it's in service! Fuck your family and your congregation" and "You better shut your mouth or my Glock going to hit up

[M.C.'s address.]" In addition to texts, M.C. testified that later that evening, he received four calls from an unknown number. M.C. testified that after speaking with his daughter, B.C., he believed that Jackson was responsible for messages.

{¶7} B.C. testified that her belief that Jackson was responsible stemmed from her personal relationship with Jackson. B.C. testified that B.C.'s ex-husband and Jackson share a child, and that B.C. has received harassing messages from Jackson since 2017.

{¶8} Cincinnati Police Officer Charles Raley recalled meeting M.C. and completing the emergency disclosure requests to trace the phone numbers. The results from the requests revealed that the numbers were from Google voice accounts affiliated with several emails. One such email belonged to Jackson and based on this connection a warrant was issued for her arrest.

{¶9} Jackson was arrested by the Blue Ash Police Department. Following a search incident to arrest, police seized two cellphones that Jackson had with her. Agent Dale Mikes, of the Hamilton County Sheriff's Office's Digital Forensic Unit, testified that he successfully completed the Cellebrite data extraction from both phones, and generated an extraction report, which documented the phones' search history as well as a record of calls and text messages made from the phones.

{¶10} Officer Raley testified about the contents of the Cellebrite report. The State introduced several exhibits, confirming that messages were sent from the app TextNow on Jackson's phone, under the username "eighty53." This user sent messages to M.C., warning him that "you better shut your mouth or my Glock going to hit up [M.C.'s address]" as well as various insults. This same user sent messages to B.C., naming B.C. and her ex-husband, and asking for B.C.'s address so they can go fight. In addition to messages, the State's Cellebrite report confirmed several calls to M.C. and

B.C. were made from Jackson's phones through unspecified generative calling apps. The State also introduced the portion of the Cellebrite report regarding the search history on Jackson's phones, which included search queries for "send free text message," "what is arson in criminal law," "arson," "terrorist threat," as well as several searches for "[M.C.'s address]."

{¶11} At the close of arguments, Jackson made a Crim.R. 29 motion for acquittal, during which Jackson argued that the State failed to establish venue. The court denied Jackson's motion.

{¶12} The jury convicted Jackson of one count of telecommunications harassment, and this appeal followed.

II. Analysis

{¶13} On appeal, Jackson raises four assignments of error. Jackson argues that (1) the trial court committed reversible error when it failed to adequately inquire into whether a conflict existed, which in turn denied Jackson effective trial representation, (2) the trial court's denial of Jackson's *Batson* challenge violated Jackson's equal protection rights, (3) and (4) that Jackson's conviction was not supported by sufficient evidence and was contrary to the manifest weight of the evidence. Within Jackson's sufficiency challenge, she argues that the State failed to establish venue. We address these arguments in turn.

A. Disqualification of Counsel

{¶14} We review the court's decision on the disqualification of defense counsel for an abuse of discretion. *State v. Johnson*, 2022-Ohio-1479, ¶ 7 (4th Dist.), quoting *State v. Keenan*, 81 Ohio St.3d 133, 137 (1998).

{¶15} The Sixth Amendment to the Constitution of the United States guarantees, among other things, that the accused shall have the assistance of defense

counsel. The primary aim of this amendment is to ensure that the defendant will have an effective advocate during their criminal prosecution. *Johnson* at ¶ 8, citing *Wheat v. U.S.*, 486 U.S. 153, 162 (1998). Thus, it is recognized that one's right to choose one's counsel "is circumscribed in several important respects," including the right to be free from conflicts of interest. *Id.*, quoting *Wheat* at 159. However, upon notice of a potential conflict, the court must inquire whether the conflict even exists. *State v. Lewis*, 2025-Ohio-2454, ¶ 53 (8th Dist.), quoting *State v. Gillard*, 64 Ohio St.3d 304, 311 (1992).

{¶16} "When the conflict is not based on dual representation, '[t]he critical inquiry instead is whether the defendant demonstrated that counsel actively represented conflicting interests and, secondly, whether the defendant demonstrated that the actual conflict of interest adversely affected [the] lawyer's performance.'" *State v. Candelario*, 2025-Ohio-105, ¶ 5 (8th Dist.), quoting *State v. Nikolic*, 1991 Ohio App. LEXIS 5473, *4-5 (8th Dist. Nov. 14, 1991), citing *Burger v. Kemp*, 483 U.S. 776, 783 (1987).

{¶17} Here, the court adequately inquired about the potential conflict and correctly determined that no conflict existed. The court took time to question Jackson's counsel on the nature of the alleged conflict. Jackson's counsel disclosed that during the incident seven years ago, she was in the courtroom for an unrelated case, and witnessed Jackson being accosted. While Jackson insists that the court failed to make a sufficient inquiry, there was nothing more to inquire into. Based on counsel's testimony, there was no evidence that based on this incident Jackson's counsel would be representing an interest contrary to Jackson's.

{¶18} Accordingly, Jackson's first assignment of error is overruled.

B. Batson Challenge

{¶19} Appellate courts will not reverse a court's finding that there was no discriminatory intent in striking a prospective juror unless the ruling was "clearly erroneous." *State v. Rose*, 2024-Ohio-1845, ¶ 12 (3d Dist.), quoting *State v. Thompson*, 2014-Ohio-4751, ¶ 53, quoting *State v. Bryan*, 2004-Ohio-971, ¶ 106. The reason for this deferential bar is because the trial court is in the best position to determine whether the State's peremptory challenge was done with a discriminatory intent. *Id.* at ¶ 22, quoting *State v. Sanon*, 2023-Ohio-2742, ¶ 44.

{¶20} "The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution prohibits the State from engaging in '[p]urposeful racial discrimination in selection of the venire.'" *State v. Holman*, 2026-Ohio-1793, ¶ 32 (1st Dist.), quoting *Batson*, 476 U.S. at 86. Therefore, the State may not use peremptory challenges to excuse a juror because of the juror's race. *Id.*, citing *Batson* at 89.

{¶21} The United States Supreme Court in *Batson* mandated that courts must complete a multi-step burden-shifting framework once a defendant alleges the State used a peremptory challenge to strike a juror because of that juror's race. *Batson* at 93-94. First, the defendant must demonstrate that they put forth a "prima facie case of purposeful discrimination." *Id.* at 93-94. To do so, the defendant must show that the State removed a potential juror of the same racial group as the defendant. *Id.* at 96.

{¶22} If the defendant can meet this first step, then the State must show that its peremptory challenge was supported by permissible race-neutral selection criteria and was related to facts of the case. *Id.* at 94, 98. "Unless the discriminatory intent is inherent in the prosecutor's explanation, the reason offered will be deemed race neutral." *Holman* at ¶ 34, quoting *Purkett v. Elem*, 514 U.S. 765, 767-768 (1995). Race-

neutral reasons for a juror to be stricken often rely upon the juror's demeanor, which renders the court's firsthand observations of the juror very important. *Rose*, 2024-Ohio-1845, at ¶ 10 (3d Dist.), quoting *Thompson*, 2014-Ohio-4751, at ¶ 52.

{¶23} Finally, if the State provides a race-neutral justification, then the court must determine whether the defendant proved "purposeful racial discrimination." *Holman* at ¶ 35, quoting *Purkett* at 768.

{¶24} Only the third step is at issue here. Jackson satisfied step one because both she and Juror 10 were African American. Likewise, the State satisfied step two, because its peremptory challenge was based on a race-neutral reason that was relevant to the facts of the case. The State explained that Juror 10 was observed with both eyes closed several times during voir dire, that she seemed inattentive, that she was reclusive, and she consistently offered short answers to the State's multiple questions. The State feared that based on these behaviors, her ability to be an engaged juror would be compromised.

{¶25} Jackson failed to demonstrate that the court's striking of Juror 10 was a product of "purposeful racial discrimination." In *State v. Rose*, the Third District reaffirmed the long-standing tenet that concerns related to a prospective juror's willingness to take their duties seriously may serve as a valid nonpretextual basis for striking that juror. *Rose*, 2024-Ohio-1845, at ¶ 15-16 (3d Dist.), citing *State v. Williams*, 2011-Ohio-4126, ¶ 9-10 (8th Dist.) (holding the peremptory strike of an unserious and uninterested juror was "unambiguous" and "race neutral"), and *People v. Powell*, 224 Ill.App.3d 127, 132 (1991) (holding a court's strike of a juror who did not take the proceedings seriously was void of discriminatory intent.); *see State v. Chapman*, 2010-Ohio-5924, ¶ 16 (9th Dist.) (recognizing juror inattentiveness is a race-neutral basis for striking a juror).

{¶26} Because Jackson failed to demonstrate that the State acted with a discriminatory purpose, Jackson's second assignment of error is overruled.

C. Sufficiency

{¶27} Under Jackson's third assignment of error, she argues that the State failed to establish that Hamilton County was the proper venue, and that the State failed to put forth sufficient evidence establishing that Jackson sent the text messages, and that the messages were sent with the purpose of threatening M.C.

1. Venue

{¶28} Venue is an element that must be proven at trial beyond a reasonable doubt, unless it has been waived by the defendant. *State v. Foreman*, 2021-Ohio-3409, ¶ 13, citing *State v. Headley*, 6 Ohio St.3d 475, 477 (1983).

{¶29} R.C. 2901.12(I)(1) governs the scope of venue when the offense involves telecommunications and provides that venue may be proper in several jurisdictions. The section provides in part that "the offender may be tried in any jurisdiction containing any location of the computer, computer system, or computer network, of the victim of the offense." M.C. testified that he received the text messages while he was at home, and that his home is in Hamilton County. Therefore, the State established that Hamilton County was the proper venue.

2. Sufficiency Challenge

{¶30} We review sufficiency challenges for "whether the evidence presented, when viewed in a light most favorable to the prosecution, would allow any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt." *State v. Dunn*, 2024-Ohio-5742, ¶ 28, quoting *State v. Dent*, 2020-Ohio-6670, ¶ 15.

{¶31} R.C. 2917.21(B)(1) governs the offense of telecommunications harassment, which provides that "No person shall make or cause to be made a

telecommunication, or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another." The Ohio Supreme Court has recognized that the General Assembly has determined the mens rea of purpose can be proven by establishing "the person's specific intention to cause a certain result." *State v. Walker*, 2016-Ohio-8295, ¶ 17.

{¶32} The State presented sufficient evidence to establish that Jackson sent the messages. Agent Mikes testified that he successfully extracted data from both of Jackson's phones. Officer Raley testified that based on the extracted data, Jackson's phones had been used to call and text M.C. and B.C. The messages in the Cellebrite report were like the messages M.C. testified he had received. Extracted messages that were sent to B.C., mentioning B.C.'s ex-husband and the father of Jackson's child, further served as circumstantial evidence going towards identifying Jackson as the sender. When considering this evidence in a light most favorable to the prosecution, the State introduced sufficient evidence that Jackson sent the messages.

{¶33} Likewise, the State presented sufficient evidence showing that Jackson's messages were sent for the purpose of threatening or harassing M.C. It is hard to imagine an instance where sending several messages threatening to shoot someone in their home and place of employment can be done without the specific intention of harassing or threatening the recipient. The same can be said of messages sent to a clergyman threatening lethal harm to their parishioners. By the very nature of the communication, the State put forth sufficient evidence to establish that Jackson acted purposefully when she texted M.C.

{¶34} Therefore, Jackson's third assignment of error is overruled.

D. Manifest Weight

{¶35} A manifest-weight challenge requires we assess whether the State met its burden of persuasion. *State v. Reillo*, Slip Opinion No. 2026-Ohio-2701, ¶ 24. Where evidence is capable of multiple interpretations, "the reviewing court is bound to give it that interpretation which is consistent with the verdict and judgment, most favorable to sustaining the verdict and judgment." *Id.* at ¶ 28, quoting *In re Z.C.*, 2023-Ohio-4703, ¶ 13. "Appellate courts must defer to the fact-finder's witness-credibility determinations." *Id.* at ¶ 38.

{¶36} Jackson's conviction was not contrary to the manifest weight of the evidence. The jury heard testimony from two individuals who believed that Jackson was responsible for the messaging based on their relationship with Jackson. The State presented testimony from law enforcement officers explaining the process of extracting data from phones found on Jackson's person and corroborating that messages from these phones were sent to M.C. Based on the record before this court, we cannot say that the jury lost its way in convicting Jackson.

{¶37} Accordingly, Jackson's fourth assignment of error is overruled.

III. Conclusion

{¶38} Having overruled all four of Jackson's assignments of error, we affirm the judgment of the trial court.

Judgment affirmed.

BOCK, P.J., and **NESTOR, J.,** concur.