

OHIO COURT OF APPEALS, FIRST APPELLATE DISTRICT, HAMILTON
COUNTY

State v. Starr

2026-Ohio-587 · No. C-250221 · Decided February 20, 2026

SUMMARY

The First District Court of Appeals of Ohio reversed Evenna Starr’s conviction for disorderly conduct and discharged her from further prosecution. The court held that the State presented insufficient evidence that Starr’s profane insults directed at a supervising police officer constituted fighting words or recklessly caused inconvenience, annoyance, or alarm likely to provoke a violent response.

CASE DETAILS

COURT	Ohio Court of Appeals, First Appellate District, Hamilton County
WRITING FOR THE COURT	Zayas, Presiding Judge; Crouse, Judge; Bock, Judge
JURISDICTION	Ohio Court of Appeals, First Appellate District, Hamilton County
DECIDED	February 20, 2026
DOCKET	C-250221
DISPOSITION	reversed
PROCEDURAL POSTURE	Starr appealed her bench-trial conviction for persistent disorderly conduct, arguing that the conviction was unsupported by sufficient evidence and was against the manifest weight of the evidence.
STANDARD OF REVIEW	For sufficiency of the evidence, whether, viewing the evidence in the light most favorable to the State, any rational trier of fact could have found all essential elements proved beyond a reasonable doubt. For manifest weight, the appellate court reviews the entire record, weighs the evidence and credibility, and determines whether the factfinder clearly lost its way and created a manifest miscarriage of justice.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Evenna Starr v. State of Ohio

TOPICS

- criminal procedure
- free speech
- first amendment
- appellate procedure
- standard of review

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove that Starr's profane insults were fighting words or conduct likely to provoke a violent response under R.C. 2917.11(A)(3).
2. Whether the evidence was sufficient to prove that Starr recklessly caused inconvenience, annoyance, or alarm to the supervising officer.
3. Whether Starr's conviction was against the manifest weight of the evidence.

HOLDINGS

1. The State failed to prove that Starr's profane insults were fighting words or conduct likely to provoke a violent response because the words were not accompanied by hostile or threatening conduct, Starr was complying with the officer's directive, and she had turned away while crossing the street.
2. The State presented insufficient evidence that Starr's words inconvenienced, annoyed, or alarmed the supervising officer or made him feel threatened.
3. The conviction was unsupported by sufficient evidence; the court sustained Starr's sole assignment of error, reversed the trial court's judgment, and discharged Starr from further prosecution.

KEY QUOTATIONS

“ “[N]o matter how rude, abusive, offensive, derisive, vulgar, insulting, crude, profane or opprobrious spoken words may seem to be, their utterance may not be made a crime unless they are fighting words . . . ” ” (¶ 18)

“ “Ohio consistently cautions that law enforcement officers must have a thicker skin than the public as a whole. ” ” (¶ 20)

“ Here, the State presented insufficient evidence to establish that Starr inconvenienced, alarmed, or annoyed the supervisor with her profane insults or that the insults constituted “fighting words” likely to provoke a violent response. ” (¶ 24)

FACTUAL BACKGROUND

Starr called police because she believed her son was inside a neighbor's home and remained outside while officers investigated. She was emotional, yelled at the officers, and, while complying with an instruction to cross the street, called a supervising officer a "fat bitch" and used related profanity. The officer ignored the remarks and walked away; the video showed no hostile or threatening conduct accompanying Starr's words, and the supervising officer did not testify that he was annoyed, inconvenienced, alarmed, or threatened.

PROCEDURAL HISTORY

Starr was charged in Hamilton County Municipal Court with fourth-degree-misdemeanor disorderly conduct under R.C. 2917.11(A)(3). After a bench trial, the municipal court found her guilty. The First District sustained her sole assignment of error, reversed the judgment, and discharged Starr from further prosecution.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No remand for further prosecution; Starr was discharged from further prosecution. The mandate was ordered sent to the trial court for execution.

CASES CITED

- State v. Ham, 2017-Ohio-9189, ¶ 19 (1st Dist.)
- State v. Jenks, 61 Ohio St.3d 259, 273 (1991), paragraph two of the syllabus
- State v. Thompson, 78 Ohio St.3d 380, 387 (1997)
- State v. Gibson, 2023-Ohio-2022, ¶ 13 (3d Dist.)
- State v. Schils, 2020-Ohio-2883, ¶ 19 (12th Dist.)
- Cincinnati v. Karlan, 39 Ohio St.2d 107, 110 (1974)
- State v. Blair, 2012-Ohio-1847, ¶ 9 (2d Dist.)
- Cohen v. California, 403 U.S. 15, 20 (1971)
- Wood v. Eubanks, 25 F.4th 414, 425 (6th Cir. 2022)
- State v. Richardson, 43 Ohio App.3d 114, 116 (8th Dist. 1988)
- State v. Harvey, 2020-Ohio-329, ¶¶ 17-18 (3d Dist.)
- State v. Wood, 112 Ohio App.3d 621, 628 (11th Dist. 1996)
- State v. Beamer, 2012-Ohio-2222, ¶ 18 (5th Dist.)
- State v. Lowery, 1998 Ohio App. LEXIS 3336, at *1
- State v. Rossiter, 1997 Ohio App. LEXIS 1251, at *9 (4th Dist. Mar. 26, 1997)
- City of Shaker Hts. v. Marcus, 1993 Ohio App. LEXIS 574, at *3 (8th Dist. Feb. 4, 1993)
- Woodmere v. Workman, 2022-Ohio-71, ¶ 24 (8th Dist.)
- State v. Harris, 2025-Ohio-2796, ¶ 26 (1st Dist.)
- State v. Smith, 2002-Ohio-5994, ¶ 15 (2d Dist.)