

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

State v. Stone

2009 Ohio 1181 (Ohio Ct. App. 2009) · No. 08AP-621 · Decided March 17, 2009

SUMMARY

The Ohio Court of Appeals affirmed Robert A. Stone's conviction for felony failure to comply with an order or signal of a police officer. The court held that sufficient evidence supported the conviction and that the verdict was not against the manifest weight of the evidence, given the defendant's high-speed flight, failure to use headlights, running red lights, and impaired driving.

CASE DETAILS

COURT	Ohio Court of Appeals, Tenth Appellate District
WRITING FOR THE COURT	Bryant, J.; French, P.J.; Klatt, J.
JURISDICTION	Ohio
DECIDED	March 17, 2009
DOCKET	08AP-621
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of the Franklin County Court of Common Pleas finding defendant guilty of failure to comply with an order or signal of a police officer.
STANDARD OF REVIEW	Sufficiency of the evidence is a question of law; we construe evidence in light most favorable to prosecution. Manifest weight review involves limited weighing to determine if sufficient competent, credible evidence supports verdict.
PRECEDENTIAL VALUE	Published
PARTIES	Robert A. Stone v. State of Ohio

TOPICS

- criminal procedure
- appellate procedure
- evidence
- statutory interpretation
- standard of review

PRACTICE AREAS

- Criminal Law
- Appellate Procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support a finding of guilt for felony fleeing.
2. Whether the verdict was against the manifest weight of the evidence.

HOLDINGS

1. The evidence was sufficient to support the conviction for felony fleeing because the facts demonstrated a substantial risk of serious physical harm to persons or property.
2. The verdict was not against the manifest weight of the evidence because the trial court's credibility determinations were reasonable.

KEY QUOTATIONS

“When a court of appeals reverses a judgment of a trial court on the basis that the verdict is against the weight of the evidence, the appellate court sits as a ‘thirteenth juror’ and disagrees with the factfinder’s resolution of the conflicting testimony” (¶ 18)

“running stop signs and red lights in the same vicinity, and driving down the middle of the road while police officers were in pursuit with lights and sirens activated created a substantial risk of harm to persons or property” (¶ 15)

“is not entitled to reversal on manifest weight grounds merely because inconsistent evidence was offered at trial” (¶ 20)

“The trier of fact is free to believe or disbelieve any or all of the testimony presented” (¶ 20)

FACTUAL BACKGROUND

On July 7, 2007, at approximately 2:30 a.m., Trooper Eric Caudill observed a Jeep without headlights and attempted to stop it. The defendant, Robert Stone, fled, reaching speeds of 85 mph in a 45 mph zone, running red lights, failing to signal, and driving without headlights. During the pursuit, another vehicle had to brake hard to avoid a collision. The pursuit lasted 4-5 minutes over 3.6 miles through commercial and residential areas. Defendant was eventually apprehended. He was charged with felony fleeing because his operation caused a substantial risk of serious physical harm.

PROCEDURAL HISTORY

Defendant was indicted on November 29, 2007, for third-degree felony fleeing. He waived jury trial, was tried to the court, found guilty on May 15, 2008, and sentenced to three years imprisonment and lifetime driver's license suspension. Defendant appeals.

DISPOSITION

affirmed

CASES CITED

- State v. Thompkins, 78 Ohio St. 3d 380 (1997)
- State v. Jenks, 61 Ohio St. 3d 259 (1991)
- State v. Conley, 10th Dist. No. 93AP-387 (Dec. 16, 1993)
- State v. Love, 9th Dist. No. 21654, 2004-Ohio-1422
- State v. DeHass, 10 Ohio St. 2d 230 (1967)
- State v. Raver, 10th Dist. 02AP-604, 2003-Ohio-958
- State v. Antill, 176 Ohio St. 61 (1964)
- State v. Favor, 10th Dist. No. 08AP-215, 2008-Ohio-5371