

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

STATE OF OHIO,	:	APPEAL NO. C-220646
Plaintiff-Appellee,	:	TRIAL NOS. 22CRB-7238A/B
vs.	:	
WILLIAM PRICE,	:	<i>OPINION.</i>
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Municipal Court

Judgments Appealed From Are: Affirmed

Date of Judgment Entry on Appeal: July 21, 2023

Emily Smart Woerner, City Solicitor, *William T. Horsley*, Chief Prosecuting Attorney,
and *Joseph Cossins*, Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Brian T. Goldberg, for Defendant-Appellant.

WINKLER, Judge.

{¶1} Defendant-appellant William Price appeals his misdemeanor convictions for aggravated menacing and unlawful restraint. For the reasons set forth below, we affirm the judgments of the trial court.

Background

{¶2} Price is a senior pastor at the City On a Hill Church near the Glenway Crossing shopping center on the northwest side of Cincinnati. According to Price, the church has been the subject of multiple thefts. A few weeks prior to the incident leading to Price's arrest in the underlying case, two drug dealers opened fire on Price and others in the church's parking lot. Price, who has a concealed carry license, returned fire with one gunshot. No one was injured. Price called the police, but the perpetrators remained at large.

{¶3} On the day of the incident in the underlying case, Price was driving his car onto the church's property at approximately 4:00 p.m., and he saw a truck traveling closely behind him. Price did not recognize the person driving the truck, so he watched the vehicle for about a minute. The person slowly drove around the back of the church's lot, and then parked the truck. Price got out of his vehicle and approached the driver, Lawrence Clock. Price asked Clock if he needed help and asked Clock for identification. Clock responded that he was lost, but he refused to identify himself. According to Price, Price turned to go back to his vehicle, but he heard Clock revving the truck engine. Price feared that Clock would run him over with his truck, so Price pulled out his gun and told Clock that he would empty the gun through the windshield. Clock backed his truck in reverse, and Price called 911.

{¶4} According to Clock’s version of the incident, he stopped by a store in the Glenway Crossing shopping center on his way home from work. Clock proceeded to leave the shopping center, and he decided to take a different route out of the center to avoid a traffic light. Clock followed a truck and another vehicle on a roadway out of the shopping center and, unbeknownst to him, onto the church’s property. As Clock drove onto the property, he noticed two orange traffic cones and a metal chain lying on half of the roadway, but he did not see a “no trespassing” sign. Clock drove up to the church’s building before he realized that he could not exit to the main roadway. Clock turned his vehicle around and drove back the way he came. When Clock got back to the orange cones, Price had parked his vehicle in such a way to block the part of the roadway where Clock had entered. Clock stopped his truck about two car-lengths away from Price. Price approached the passenger side of Clock’s truck, and Clock observed that Price was already very agitated. Clock told Price he was lost and just trying to leave, but Price became more aggressive and talked over Clock. Price asked Clock for identification. Clock refused because he did not know who Price was or what he wanted.

{¶5} Price then showed Clock his firearm, and Clock became extremely frightened. Clock started to back his truck up and go around Price’s car by driving up on the curb. At that point, Price stepped in front of Clock’s truck and threw his hands on the hood. Clock slammed on his brakes to avoid hitting Price. Price then pointed a firearm at Clock and threatened to empty the gun through the windshield. Price continued to point the firearm at Clock, which prevented Clock from leaving. Clock then called 911.

{¶6} After both Clock and Price called 911, police responded to the church. Police spoke with both Price and Clock, and they arrested Price. The city charged Price with aggravated menacing and unlawful restraint, and the matter proceeded to a bench trial. The trial court heard testimony from Clock and the responding officer, as well as Price and two church employees who were on the church property during the incident but did not actually witness the bulk of the incident. The trial court found Price guilty and imposed a financial sanction on each count. Price appeals.

Price Claims Self-Defense

{¶7} In his first assignment of error, Price argues that the trial court misapplied Ohio’s self-defense law. Price argues that the trial court erred in finding that Price was not permitted to use potentially deadly force against Clock, a trespasser, when Clock’s actions placed Price in fear of imminent danger and bodily harm.

{¶8} In Ohio, a claim of self-defense includes:

(1) that the defendant was not at fault in creating the situation giving rise to the affray; (2) that the defendant had a bona fide belief that he [or she] was in imminent danger of death or great bodily harm and that his [or her] only means of escape from such danger was in the use of such force; and (3) that the defendant did not violate any duty to retreat or avoid the danger.

State v. Messenger, Slip Opinion No. 2022-Ohio-4562, ¶ 14, quoting *State v. Barnes*, 94 Ohio St.3d 21, 24, 759 N.E.2d 1240 (2002).

{¶9} Ohio’s self-defense statute, R.C. 2901.05, provides that “[i]f, at the trial of a person who is accused of an offense that involved the person’s use of force against another, there is evidence presented that tends to support that the accused person

used the force in self-defense * * * the prosecution must prove beyond a reasonable doubt that the accused person did not use the force in self-defense * * *.” R.C. 2901.05(B)(1).

{¶10} A defendant claiming self-defense satisfies the burden of production in R.C. 2901.05 where “the defendant’s evidence and any reasonable inferences about that evidence would allow a rational trier of fact to find all the elements of a self-defense claim when viewed in the light most favorable to the defendant[.]” *Messenger* at ¶ 25. Once a defendant satisfies the burden of production under R.C. 2901.05, the state must disprove at least one element of self-defense beyond a reasonable doubt. *State v. Gibson*, 1st Dist. Hamilton No. C-220283, 2023-Ohio-1640, ¶ 10.

{¶11} In this case, Price and Clock testified to two very different versions of what occurred at the church. Price testified that he calmly approached Clock’s truck to investigate why Clock drove onto the church’s property, and that Clock revved his truck engine in a way to cause Price to fear for his life, so he pulled out his gun. Clock testified that Price aggressively approached him, and that when Clock attempted to leave in his truck, Price jumped in front of the truck and pulled out a gun. The trial court as the factfinder believed Clock’s version of events over Price’s. The trial court was in the best position to determine the credibility of the witnesses. *See State v. Landrum*, 1st Dist. Hamilton No. C-150718, 2016-Ohio-5666.

{¶12} The trial court found that Clock had mistakenly entered the church’s property while trying to drive from the Glenway Crossing shopping center to the main road, and therefore Clock did not knowingly enter or remain on the church’s property as required for a trespass. *See* R.C. 2911.21. The trial court also found Price at fault for creating the situation that led to the affray, because Price could have noted Clock’s

license plate and allowed Clock to leave the property, but instead Price blocked Clock's path and refused to allow Clock to leave the church's property. The trial court did not lose its way and create a manifest miscarriage of justice in finding that Price's self-defense claim failed. *See Gibson* at ¶ 8, citing *State v. Thompkins*, 78 Ohio St.3d 380, 387-388, 678 N.E.2d 541 (1997).

{¶13} We overrule Price's first assignment of error.

Sufficiency and Manifest Weight of the Evidence

{¶14} In his second assignment of error, Price argues that his convictions were not supported by sufficient evidence and were contrary to the manifest weight of the evidence.

{¶15} The trial court found Price guilty of both aggravated menacing and unlawful restraint. Aggravated menacing occurs when someone "knowingly cause[s] another to believe that the offender will cause serious physical harm to the person or property of the other person * * *." R.C. 2903.21(A). Unlawful restraint occurs when someone "without privilege to do so * * * knowingly restrain[s] another of the other person's liberty." R.C. 2905.03(A).

{¶16} When considering a challenge to the sufficiency of the evidence, an appellate court determines whether, after viewing the evidence in a light most favorable to the prosecution, a rational trier of fact could have found that the state proved all the elements of the offense beyond a reasonable doubt. *State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. When considering a challenge to the weight of the evidence, an appellate court must review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether, in resolving conflicts in the

evidence, the trier of fact clearly lost its way and created a manifest miscarriage of justice. *Thompkins*, 78 Ohio St.3d at 387-388, 678 N.E.2d 541.

{¶17} Price does not deny that he pulled out his gun and pointed it at Clock. Instead, Price argues that he was justified in doing so because Clock trespassed on the church's property, and Clock should have known as much when he drove over a chain connected to traffic cones blocking a portion of the roadway. Price further argues that Clock could have simply identified himself and none of the incident would have occurred, and that Clock drove towards Price in an aggressive manner, causing Price to pull out his firearm. Price also maintains that he never restrained Clock.

{¶18} Again, the version of facts provided by Clock tell a different story than Price's. Clock testified that he drove around the parking lot to leave and that Price blocked Clock's vehicle from leaving with Price's car. Rather than run over the plastic cones with his truck, Clock tried to traverse the curb to leave the church's property. Price jumped in front of Clock's vehicle, threw his hands on the hood, and then pulled out his gun. According to Clock, Price pointed the gun at Clock for several minutes, and threatened to shoot Clock through the windshield. Although the recent crimes that occurred at the church may explain why Price acted the way that he did when a strange vehicle approached the property, the recent crimes do not provide a legally sufficient excuse for Price refusing to allow Clock to leave the property and for detaining Clock at gunpoint. Therefore, Price's convictions for aggravated menacing and unlawful restraint were supported by sufficient evidence and were not against the manifest weight of the evidence. *See Jenks*, 61 Ohio St.3d at 273, 574 N.E.2d 492; *Thompkins*, 78 Ohio St.3d at 387, 678 N.E.2d 541; R.C. 2903.21 and 2905.03.

{¶19} We overrule Price's second assignment of error.

Conclusion

{¶20} Having overruled Price's assignments of error, we affirm the judgments of the trial court.

Judgments affirmed.

CROUSE, P.J., and KINSLEY, J., concur.

Please note:

The court has recorded its own entry on the date of the release of this opinion.