**CAPTION: STATE V. WEBB**

**12-29-23**

APPEAL NO: C-220531

TRIAL NO.: 22CRB-11236

KEY WORDS: CRIMINAL TRESPASS – SUFFICENCY – PRIVILEGE – REASONABLE AND LEGITIMATE BASIS

SUMMARY:

Defendant’s conviction for criminal trespass was supported by sufficient evidence and was not against the manifest weight of the evidence where police had a reasonable and legitimate basis to revoke defendant’s privilege to be in a public park during a Fourth of July event because defendant repeatedly argued with the mother of his children in front of their children, used profanity, intimated violence, and repeatedly confronted police officers and where defendant knowingly remained in the park despite multiple orders to leave *But see* DISSENT: Because the police officers lacked a legitimate, reasonable, and nonarbitrary basis for revoking defendant’s privilege to remain in a public park, the evidence is insufficient to support defendant’s criminal-trespass conviction: the officer revoked defendant’s privilege to remain in a public park based on the officer’s speculation that defendant would violate a nonexistent rule, and defendant merely referenced violence, which did not constitute fighting words and therefore cannot support a criminal conviction, a principle repeatedly emphasized by both the Ohio Supreme Court and the United States Supreme Court.]

JUDGMENT: AFFIRMED

JUDGES: OPINION by WINKLER, J.; ZAYAS, P.J., CONCURS and BOCK, J., DISSENTS.