

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

STATE OF OHIO,	:	APPEAL NO.	C-250458
Plaintiff-Appellee,	:	TRIAL NOS.	24/CRB/20916/B 24/CRB/20916/C
vs.	:		
HENRY ANDERSON,	:	<i>JUDGMENT ENTRY</i>	
Defendant-Appellant.	:		

CROUSE, Judge.

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

On December 6, 2024, Cincinnati Police Officer Antonio Evans and defendant-appellant Henry Anderson came into contact at McDonald’s on Mitchell Avenue in Cincinnati, Ohio. At trial, Evans testified that he observed Anderson ask the cashier for a water cup and then fill the cup with Sprite at the drink fountain. Evans detained Anderson to investigate the suspected theft. When the officer asked for his name and date of birth, Anderson fled out the door. Evans confiscated Anderson’s identification card from the bag he left behind.

Anderson was charged with theft in violation of R.C. 2913.02, failure to disclose personal information in violation of R.C. 2921.29(B)(2), and obstructing official business (“OOB”) in violation of R.C. 2921.31. The theft charge was dismissed for want of prosecution and the remaining charges were tried to the bench. The court found

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Anderson guilty on both charges. Anderson was sentenced to a suspended term of 30 days in jail and six months of community control on the failure-to-disclose charge and a suspended term of 90 days in jail and a concurrent six months of community control on the OOB charge. Anderson’s sole assignment of error on appeal challenges the sufficiency and weight of the evidence supporting his convictions.

Obstructing official business

R.C. 2921.31(A) provides that “[n]o person, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official’s official capacity, shall do any act that hampers or impedes a public official in the performance of the public official’s lawful duties.” Anderson argues that the State failed to elicit sufficient, credible evidence that Evans was acting as a public official in the performance of lawful duties when the two men came into contact on the day in question. Specifically, Anderson insists the record lacks evidence that Evans was wearing identifiable police clothing or otherwise identified himself as a police officer to Anderson that day. *Compare State v. Glover*, 52 Ohio App.2d 35, 38 (10th Dist. 1976).

The statutory definition of “public official” includes law enforcement officers. *See* R.C. 2921.01(A). While the OOB statute does not explicitly require an officer to identify himself to the accused or to be in uniform, the absence of such evidence could undermine the State’s ability to prove that the accused acted with the specific intent to obstruct a public official. Here, however, the record contains circumstantial evidence to support that Evans was identifiable as a law enforcement officer performing lawful duties when he interacted with Anderson.

Evans testified that he was employed by the City of Cincinnati Police Department and that he detained Anderson to investigate a suspect theft—undeniably,

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an official duty of a law enforcement officer. Anderson correctly notes the fact that Evans testified he was employed by the Cincinnati Police Department does not necessarily support that Anderson knew Evans was acting as a law enforcement officer on the day in question. However, the record contains additional circumstantial evidence offering support. On cross-examination, Anderson testified that he “fled from *the officer*[.]” (Emphasis added.) Evans testified that he was wearing a body-worn camera, a common adornment of a law enforcement officer. In addition, the body-worn camera footage strongly supports that Anderson understood Evans to be acting in his capacity as a law enforcement officer at the time.

The footage reveals that Evans approached Anderson and noted he had asked for a water cup. Rather than question who Evans was or why he cared, Anderson addressed Evans as “sir” and twice offered that he “was just taking a sip”—a de facto admission to the accusation of wrongdoing. When Evans indicated he would charge Anderson with theft if Anderson did not pay for the soda, Anderson admitted he did not have any money. Of note, he did not inquire into Evans’ authority to charge him with a crime. Next, Anderson obeyed Evans’ command to walk over to a table and sit down. When Evans asked for his name and date of birth, he ran. These circumstances support that Anderson viewed Evans as a public official and acted with the intent to obstruct the officer in the performance of his official duties by fleeing the scene.

In short, when viewed in a light most favorable to the prosecution, the evidence supports the elements of the OOB statute including the element that Evans was acting as a public official in the performance of lawful duties when he confronted Anderson. *See State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus. Nor did the trial court lose its way and create a manifest miscarriage of justice in rendering a guilty verdict for the offense. *See State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997).

Failure to disclose personal information

R.C. 2921.29(A)(1) provides that “[n]o person who is in a public place shall refuse to disclose the person’s name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects . . . [t]he person is committing, has committed, or is about to commit a criminal offense.” Mirroring his prior argument, Anderson maintains the State failed to elicit testimony that Evans was acting as a public official when he confronted Anderson. As stated, however, the record supports that Evans was indeed acting in his official capacity at the time.

Anderson further contends it was unreasonable for Evans to believe he was committing, had committed, or was about to commit a criminal offense. Specifically, Anderson avers that there was no testimony demonstrating McDonald’s did not consent to him using the cup for soda or that McDonald’s empowered Evans to investigate. In view of these perceived deficiencies, Anderson challenges Evans’ belief that he committed a theft offense as unreasonable.

Anderson’s arguments divert scrutiny from the considerations of import. The record strongly supports Evans’ reasonable belief that Anderson took soda from the drink fountain without paying. Evans testified that he was standing nearby and heard Anderson ask the cashier for a water cup. Evans further testified that he observed Anderson put Sprite in the water cup. When he confronted Anderson—as seen and heard in the body-worn camera footage—Anderson twice conceded the truth of the accusation by offering that he was “just taking a sip.” He did not defend against the accusation when the officer threatened to charge him with theft. Indeed, it was not until trial that Anderson claimed he put filtered water in the cup.

On this record, when viewed in a light favorable to the prosecution, there was sufficient evidence to support Evans’ reasonable belief that Anderson committed a

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theft offense. Accordingly, the failure-to-disclose conviction was supported by sufficient evidence. *See Jenks*, 61 Ohio St.3d 259, at paragraph two of the syllabus. In addition, the trial court did not go astray when it rejected Anderson's claim at trial that he put water in the cup. *See Thompkins*, 78 Ohio St.3d at 387. Indeed, in rendering its verdicts, the trial court expressly questioned Anderson's credibility given that his conduct in the body-worn camera footage did not accord with his version of events at trial.

Anderson's sole assignment of error is overruled. The trial court's judgments are affirmed.

The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

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

To the clerk:

Enter upon the journal of the court on 3/6/2026 per order of the court.

By:  _____
Administrative Judge