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

STATE OF OHIO,	:	APPEAL NO. C-250225 TRIAL NO. B-2405634
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY*
ANTONIO SPURLING,	:	
Defendant-Appellant.	:	

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 9/11/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer Hensley
Administrative Judge

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Plaintiff-Appellee,	:	
vs.	:	*O P I N I O N*
ANTONIO SPURLING,	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: September 11, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Verjine V. Adanalian,* Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Van Gundy Law, LLC, and *Alana Van Gundy*, for Defendant-Appellant.

NESTOR, Judge.

{¶1} Early in the morning of November 2, 2024, Antonio Spurling led police on a car chase through a sleeping Hyde Park, resulting in a failure to comply charge against him. Spurling argued he was the passenger rather than the driver. After a hospital confession where Spurling demonstrated he was the driver, the matter proceeded to a bench trial. The trial court found Spurling guilty.

{¶2} Spurling timely appealed. Appellate counsel for Spurling originally filed a no-error brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). But having determined that Spurling had possibly meritorious issues to raise on appeal, we assigned new counsel and ordered counsel to file an appellate brief on the merits. Counsel brought four assignments of error. We overrule all assignments of error. Spurling's conviction is supported by sufficient evidence and not contrary to the manifest weight of the evidence. Considering the totality of the circumstances, Spurling provided a voluntary confession to officers at the hospital. Finally, Spurling's counsel provided effective assistance of counsel though he did not move to suppress the hospital confession.

I. Factual and Procedural History

{¶3} After a bench trial, the court found Spurling guilty of failure to comply with an order of a police officer in violation of R.C. 2921.331(B).

{¶4} In October of 2024, Spurling was at the United Dairy Farmer's ("UDF") store on the corner of Dana Avenue and Montgomery Road. Officer Allen saw Spurling at the UDF and recognized him from previous encounters. Officer Allen watched Spurling get into the driver's seat of a car, ran the plates, and looked up Spurling. Officer Allen saw that Spurling had warrants out for his arrest. The car belonged to an unidentified woman. Spurling later testified she was with him at the UDF that night.

Her address was on Morten Street.

{¶5} The next day, Officer Allen and another officer drove past the woman's house on Morten Street. As they drove down Morten, the same car that was at the UDF the day before drove past them. Believing that Spurling was driving, the officers turned around in a driveway and activated their lights and sirens. The car did not stop, and the officers gave chase.

{¶6} After turning onto Observatory Avenue, the car and the policer cruiser sped towards Madison Road. The car turned left onto Madison Road, crossed the double yellow line, and entered a turn lane for oncoming traffic. The chase continued into O'Bryonville, where the car drove down the middle of two lanes of traffic. The police followed and the car continued into East Walnut Hills. The car then turned left onto Woodburn Road and left again onto William Howard Taft Road, where it ran a red light. The police lost sight of the car, and the officers ended their chase after following for three and a half minutes. At trial, Officer Allen testified that both cars were travelling at twice the speed limit of 35 miles per hour. The State introduced a video taken from Officer Allen's dash camera at trial.

{¶7} A few weeks later, Spurling was located by the police in an apartment building. Unwilling to encounter police, he jumped out of a second story window. The police caught him and took him into custody. An EMT squad came to assess Spurling's injuries. The squad cleared him. The police read Spurling his *Miranda* rights and Officer Reinhart drove him to U.C. Hospital. When Spurling arrived, the hospital gave him medication. Officer Reinhart did not know what medication, but Spurling testified it was pain medication.

{¶8} At the hospital, Spurling started speaking to Officer Reinhart and another officer. Officer Reinhart's partner recorded the interaction on his body-worn

camera. The State introduced the video at trial. In the video, Spurling is sitting upright in a hospital bed with a neck brace on. He is speaking with the police about the number of times he has run from the police. He then describes the car chase through O'Bryonville and East Walnut Hills that involved Officer Allen. Spurling talks about driving the car and details the route taken.

{¶9} Both Officers Allen and Reinhart testified at trial. The former discussed the chase and why he believed Spurling was driving though he never saw the driver's face. Officer Reinhart testified about Spurling's statements and how Spurling was upright and alert at the hospital.

{¶10} Spurling testified in his own defense. He stated that the woman who owned the car, whose name he did not remember, was the driver during the chase. Spurling testified that he was in the passenger seat. He stated that he was confused in the hospital and that his admission to driving the car was the result of being heavily medicated. He did not recall what hospital staff prescribed him, but he testified that he heard the hospital staff say, "fentanyl and morphine." Additionally, he testified that he did not remember speaking to the police at all while he was in the hospital. The defense did not introduce any medical records from the hospital, nor did defense counsel move to suppress Spurling's hospital statements.

{¶11} The court found Spurling guilty of failing to comply with an order or signal from police officers. The court sentenced him to a term of 18 months of imprisonment and credited the time he previously served.

{¶12} Spurling's original appellate counsel filed an *Anders* brief and asked this court to remove her from the case. We granted the request and assigned new counsel to bring an appeal. Appellate counsel has filed an appellate brief and raised four assignments of error.

II. Analysis

{¶13} In his first assignment of error, Spurling argues there was insufficient evidence of identity, and his conviction was against the manifest weight of the evidence. In his second assignment of error, Spurling argued that the State did not prove beyond a reasonable doubt that his actions created a risk of serious physical harm. In his third assignment of error, Spurling argues the trial court erred because it did not consider if his confession was voluntary. In his last assignment of error, Spurling argues he was prejudiced by ineffective assistance of counsel.

A. First Assignment of Error

{¶14} The court found Spurling guilty under R.C. 2921.331(B), which reads, "No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop." Spurling argues that there was insufficient evidence that he was the driver. Spurling argues that his conviction is also against the manifest weight of the evidence.

1. Sufficiency

{¶15} In reviewing the sufficiency of the evidence, we must determine whether "any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt." *State v. Smith*, 80 Ohio St.3d 89, 113 (1997), quoting *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus. In making this determination, we must view the evidence in the light most favorable to the State. *Id.*

{¶16} Spurling argues that the State failed to prove it was him driving the car. The State offered testimony from Officer Allen and the body worn camera ("BWC") footage from the hospital to prove identity. Officer Allen testified that he saw Spurling drive the car at the UDF, which was the day prior to the chase. Officer Allen's

testimony that he saw Spurling drive the day before is circumstantial, but the hospital video offers direct evidence that Spurling was the driver. At the hospital, Spurling recounted the route and specifically said he was the driver. He started by telling Officer Reinhart and his partner that he had run from the police six or seven times. Spurling then discussed the specific chase involving Officer Allen. Spurling stated he turned on Madison and went towards East Walnut Hills using "I" statements. He mistook the route for a second and said, "I turned on Hackberry." Before following with, "No, I turned on Woodburn." Additionally, he had his arms up to mimic steering a wheel while talking. The State presented sufficient evidence that Spurling was the driver.

2. Manifest Weight

{¶17} "[W]hile a review of the sufficiency of the evidence asks whether the State met its burden of production, a manifest-weight-of-the-evidence challenge looks to whether the State met its burden of persuasion." *State v. Reillo*, Slip Opinion No. 2026-Ohio-2701, ¶ 24, citing *State v. Messenger*, 2022-Ohio-4562, ¶ 26. The manifest weight of evidence standard refers to whether there is a "'greater amount of credible evidence . . . to support one side of the issue rather than the other.'" *Id.* at ¶ 25, citing *Eastly v. Volkman*, 2012-Ohio-2179, ¶ 12, quoting *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997). When deciding whether a judgment entered by the trial court is against the manifest weight of evidence, the appellate court "'must always be mindful of the presumption in favor of the finder of fact.'" *Id.* at ¶ 28, quoting *Eastley* at ¶ 21. This is an exceptional remedy that we reserve for cases where "'the evidence weighs heavily against the conviction.'" *State v. Cook*, 2024-Ohio-4771, ¶ 27 (1st Dist.), quoting *Thompkins* at 387.

{¶18} Spurling argues that his conviction is against the manifest weight of the

evidence when considering his hospital confession against his later testimony that he was in the car as a passenger. He testified that the unidentified woman was the driver.

{¶19} However, in the State's hospital exhibit, Spurling discussed the route taken by car in the chase by using "I" statements. He said, "I turned on Woodburn," and other statements that identify him as the driver. Even considering Spurling's contradictions, there is nothing to suggest the factfinder clearly lost its way. Spurling's conviction is not against the manifest weight of the evidence.

{¶20} We overrule his first assignment of error.

B. Second Assignment of Error

{¶21} In his second assignment of error, Spurling argues there was insufficient evidence that he created a risk of serious physical harm. A violation of R.C. 2921.331(B) is a felony when "[t]he operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property." R.C. 2921.331(C)(5)(a)(ii). Spurling argues that there was not a risk of serious physical harm because there was "no evidence of collisions, near-collisions, pedestrians in immediate danger, evasive maneuvers by other drivers, or property damage."

{¶22} Though there were no near-collisions, "'it is irrelevant to the enhancement whether appellant actually caused or almost caused serious physical harm to persons or property.'" *State v. Rochester*, 2024-Ohio-5306, ¶ 36 (6th Dist.), quoting *State v. Owens*, 2022-Ohio-2908, ¶ 27 (6th Dist.). "'[T]he failure of Appellant to engage in a "near collision" speaks to nothing more than Appellant's good luck and the careful driving on the part of other motorists on the road' and 'is irrelevant' to the level of risk that the Appellant's conduct created." *Id.*, quoting *Owens* at ¶ 27.

{¶23} R.C. 2901.01 defines substantial risk as "a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or

that certain circumstances may exist." R.C. 2901.01(A)(8). "'Serious physical harm to persons' means 'any physical harm that carries a substantial risk of death; . . . some permanent incapacity, whether partial or total, or some temporary, substantial incapacity; . . . some permanent disfigurement or . . . temporary serious disfigurement; . . . acute pain of such duration as to result in substantial suffering that involves any degree of prolonged or intractable pain.'" *State v. Hill*, 2004-Ohio-2275, ¶ 15 (1st Dist.), citing R.C. 2901.01(A)(5)(b) through (e).

{¶24} Here, there was a substantial risk of harm to Spurling, the officers, other drivers, and pedestrians. The car drove on the wrong side of the road, reached speeds that were double the posted speed limit, drove in the middle of two lanes, weaved in between cars, and ran a red light. *See id.* at ¶ 16 ("Hill drove his motorcycle at more than twice the posted speed limit in a crowded construction zone, passing dozens of other vehicles on the right and the left."). These actions created a risk of substantial harm.

{¶25} We overrule Spurling's second assignment of error.

C. Third Assignment of Error

{¶26} In his third assignment of error, Spurling argues the trial court should not have admitted his hospital statements, which constituted a confession, because the State failed to establish his confession was voluntary. Spurling did not seek to suppress his statements below, so he has waived all but plain error. *State v. Douglas*, 2009-Ohio-6659, ¶ 26 (10th Dist.).

{¶27} We consider the totality of the circumstances to determine if a confession was voluntary. *State v. Dudley*, 2007-Ohio-4321, ¶ 17 (1st Dist.), citing *State v. Clark*, 38 Ohio St.3d 252, 261 (1988). "Factors relevant to a totality-of-the-circumstances analysis include 'the age, mentality, and prior criminal experience of

the accused; the length, intensity, and frequency of interrogation; the existence of physical deprivation or mistreatment; and the existence of physical threat or inducement.'" *Id.*, quoting *State v. Slaughter*, 2000 Ohio App. LEXIS 1821 at *8 (1st Dist. Apr. 28, 2000). The State must prove by a preponderance of the evidence that a defendant's confession was voluntary. *Id.* at ¶ 18.

{¶28} In *Dudley*, the defendant argued his confession was involuntary because he was "under the influence of alcohol and muscle-relaxing drugs." *Id.* at ¶ 17. At a suppression hearing, the State offered testimony from the interviewing officer and the defense attorney present at the police interview. *Id.* at ¶ 19. Both testified that the defendant did not behave as if he was under the influence. *Id.*

{¶29} Though there was no suppression hearing here, the State offered evidence at trial that Spurling was not under the influence. Officer Reinhart testified that Spurling's injuries were not major. Instead of the EMTs transporting Spurling, Officer Reinhart drove Spurling to the hospital. Officer Reinhart remained with Spurling while at the hospital. In the BWC footage, Spurling was upright and alert. He spoke excitedly, but clearly.

{¶30} On cross, Officer Reinhart admitted that he did not know what medicine Spurling had taken. Spurling testified that he did not know what medicine the hospital gave him, but that he heard the staff say fentanyl and morphine. He also stated that he did not remember his conversation with Officer Reinhart at all and it was likely because of the fentanyl or morphine.

{¶31} Looking at the totality of the circumstances, Spurling's confession appears voluntary. He was upright in the 12-minute video, carrying on a conversation with Officer Reinhart and his partner. Spurling's injuries were minor enough that the EMTs cleared him at the scene and allowed Officer Reinhart to drive Spurling to the

hospital. Officer Reinhart was with Spurling the entire time. Though Officer Reinhart did not know what medication the hospital gave Spurling, Officer Reinhart would have noticed a difference in Spurling if the medication had caused him to become intoxicated. At some point during the hospital stay, Spurling would have started to act differently. Officer Reinhart did not testify to any changes in Spurling's behavior. There were no medical records submitted to corroborate Spurling's testimony that he received narcotics. The State proved the voluntariness of Spurling's statements by a preponderance of the evidence.

{¶32} We overrule the third assignment of error.

D. Fourth Assignment of Error

{¶33} In his last assignment of error, Spurling argues that he did not receive effective assistance from counsel because counsel did not file a motion to suppress his confession. Ineffective assistance of counsel involves a two-prong analysis. *State v. Sharkey*, 2025-Ohio-5117, ¶ 11 (1st Dist.). "To prevail, [Spurling] must show that counsel's performance was deficient, and that he was prejudiced as a result of counsel's deficient performance." *Id.*, citing *Strickland v. Washington*, 466 U.S. 668, 687-688 (1984).

{¶34} For deficient performance, Spurling "must show that counsel's representation fell below an 'objective standard of reasonableness.'" *Id.* at ¶ 12, quoting *State v. Ross*, 2024-Ohio-3117, ¶ 36 (1st Dist.). For prejudice, Spurling must demonstrate that "'there is a reasonable probability that but for counsel's unprofessional errors, the result of the proceeding would have been different.'" *Id.*, quoting *Ross* at ¶ 37. Spurling must demonstrate both. *Id.* at ¶ 13, citing *Strickland* at ¶ 697. The failure to satisfy either prong of the analysis is fatal to an ineffective-assistance-of-counsel claim. *Strickland* at 697.

{¶35} Here, Spurling cannot show that the failure to file a motion to suppress prejudiced him. The only evidence supporting his claim that his confession was involuntary is his own testimony. However, Officer Reinhart's testimony and the BWC footage demonstrated that Spurling was alert and aware of his surroundings and that his statements were voluntary. Accordingly, we cannot say there is a reasonable probability that a motion to suppress would have been successful.

{¶36} We overrule his last assignment of error.

III. Conclusion

{¶37} Having overruled all assignments of error, we affirm the trial court's judgment.

Judgment affirmed.

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