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

STATE OF OHIO,	:	APPEAL NO. C-250566 TRIAL NO. C/25/TRD/24528
Plaintiff-Appellee,	:	
vs.	:	
ANAMARIE J. HAYES,	:	
Defendant-Appellant.	:	*JUDGMENT ENTRY*

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 9/18/2026.

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 Kinsley
Administrative Judge

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Plaintiff-Appellee,	:	
vs.	:	
ANAMARIE J. HAYES,	:	*O P I N I O N*
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Municipal Court

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: September 18, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Philip R. Cummings,* Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Anamarie J. Hayes, pro se.

BOCK, Judge.

{¶1} After pulling her car onto a 50-m.p.h. road, defendant-appellant Anamarie Hayes was rear-ended by another driver. Hayes was cited for, and convicted of, failing to yield the right of way in violation of R.C. 4511.44. Hayes challenges her conviction in four assignments of error, which argue that the trial court admitted improper evidence, applied an incorrect legal standard, and convicted her based on insufficient evidence and contrary to the manifest weight of the evidence.

{¶2} We disagree and overrule her assignments of error. The evidence established that before fully entering a 50-m.p.h. road, Hayes spotted another car already traveling in the same direction. Nevertheless, Hayes completed her left turn onto the road, and she was rear-ended shortly thereafter. This evidence is sufficient to support her conviction. And her conviction is not contrary to the weight of the evidence simply because the trial court did not find her testimony credible. We affirm the trial court's judgment.

I. Factual and Procedural History

{¶3} Hayes received a citation for failing to yield in violation of R.C. 4511.44, a minor misdemeanor, after Hayes and another driver collided.

{¶4} At Hayes's bench trial, the responding police officer and Hayes testified. According to Hayes, she was leaving soccer practice at a public park and turned left onto Wooster Pike, a 50-m.p.h. road. Hayes noticed a car approaching, but "there was plenty of distance," so she made the left turn. Hayes testified that she was "fully . . . established in [the lane]" and traveled roughly 250 to 300 feet on Wooster Pike before the other driver hit the rear end of Hayes's car.

{¶5} The responding officer arrived at the scene 15 minutes later to find the cars "facing the same direction." In contrast to Hayes, the responding officer estimated

that Hayes had traveled 25 to 30 feet on Wooster Pike before the collision. He agreed that Hayes was able to make the "full left turn" onto Wooster Pike. After speaking with Hayes and the other driver, the responding officer concluded that Hayes had failed to yield when she turned left onto Wooster Pike.

{¶6} The trial court found Hayes guilty and imposed a $50 fine.

II. Analysis

{¶7} Hayes raises four assignments of error.

A. First Assignment of Error: The responding officer's testimony

{¶8} Hayes argues that the trial court erred when it allowed the responding officer to give a legal opinion when he testified that she failed to yield.

{¶9} Ordinarily, we review the trial court's admission of evidence for an abuse of discretion. *See State v. Morris*, 2012-Ohio-2407, ¶ 39. But Hayes did not object when the responding officer testified that she failed to yield. So, she forfeited all but plain error on appeal. *See State v. Wilson*, 2026-Ohio-1178, ¶ 11 (1st Dist.); *see also* Crim.R. 52(B).

{¶10} To demonstrate plain error, Hayes must show that the trial court committed an obvious error and that "there is a reasonable probability that the error resulted in prejudice, meaning that the error affected the outcome of the trial." *Wilson* at ¶ 12. But Hayes has not argued plain error on appeal, and "an appellate court 'will not construct a claim of plain error on a defendant's behalf if the defendant fails to argue plain error on appeal.'" *Id.*, quoting *State v. Patton*, 2021-Ohio-295, ¶ 25 (1st Dist.). Therefore, we overrule Hayes's first assignment of error.

B. Second Assignment of Error: The trial court's findings are consistent with the failure-to-yield statute

{¶11} Next, Hayes points out that before it announced its decision, the trial court found that Hayes's "failure to judge the distance of the car from the rear when she turned onto the street [] caused the accident." Hayes argues that failing to judge distance is not the standard for convictions under R.C. 4511.43, which criminalizes a failure to yield the right of way in a manner that creates an immediate hazard.

{¶12} But Hayes was convicted of failing to yield in violation of R.C. 4511.44(A), not 4511.43. Under R.C. 4511.44(A), a person entering or crossing a highway from a private driveway must "yield the right of way to all traffic approaching on the roadway to be entered or crossed." *Id.* The trial court's findings comport with the elements of failing to yield under R.C. 4511.44(A). We overrule the second assignment of error.

C. Third Assignment of Error: The evidence was sufficient to prove that Hayes failed to yield the right of way

{¶13} Hayes insists that the State's evidence was insufficient to convict her without proof of the other driver's speed at the time of the accident.

{¶14} In a sufficiency challenge, we view the evidence in a light most favorable to the State and determine whether a rational trier of fact could find that the State proved the elements of the offense beyond a reasonable doubt. *See State v. Bowden*, 2020-Ohio-4556, ¶ 10 (1st Dist.).

{¶15} Hayes argues there was no evidence she created an immediate hazard. But Hayes was convicted of violating R.C. 4511.44(A), which does not require proof of an immediate hazard. Instead, the evidence must prove that Hayes entered or crossed a highway from "any place other than another roadway" and failed to yield the right of way to traffic. A right of way is defined as a driver's right "to proceed uninterruptedly

in a lawful manner in the direction" the driver is traveling in relation to another driver who is "approaching from a different direction." R.C. 4511.01(UU)(1). So, "a driver with the right of way has an absolute right to proceed uninterruptedly in a lawful manner, and other drivers must yield to him." *In re Neill*, 2005-Ohio-1696, ¶ 10 (3d Dist.).

{¶16} To the extent Hayes's argument rests upon the other driver exceeding the speed limit and driving unlawfully, "the law presumes that a vehicle which ostensibly has the right-of-way is proceeding lawfully, [and] the state is not required to prove 'lawful operation' as an element of proving a violation of 4511.44(A), failure to yield." *Id.*

{¶17} More to the point, the State's evidence was sufficient to convict Hayes for failing to yield. Hayes testified that she turned left out of a public park onto a 50-m.p.h. road and was struck from behind. The responding officer estimated that the crash occurred roughly 30 feet from the park's exit. A rational trier of fact could find that Hayes miscalculated the distance and speed of the other car and interrupted that driver's right of way. We overrule the third assignment of error.

D. Fourth Assignment of Error: Hayes's conviction is not contrary to the weight of the evidence

{¶18} Finally, Hayes argues that her conviction is against the weight of the evidence. We may reverse a conviction as contrary to the weight of the evidence and order a new trial if we find that the trier of fact """clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered."""" *State v. Reillo*, Slip Opinion No. 2026-Ohio-2701, ¶ 24, quoting *State v. Brown*, 2025-Ohio-2804, ¶ 30, quoting *State v. Thompkins*, 1997-Ohio-52, ¶ 25,

quoting *State v. Martin*, 20 Ohio App.3d 172 (1st Dist. 1983), paragraph three of the syllabus.

{¶19} Essentially, Hayes argues that her account was more credible than the responding officer's. She claims that the trial court ignored her testimony describing the 250 feet that she measured from the park exit to the scene of the accident. And she takes issue with the trial court affording weight to the responding officer's account, which estimated that Hayes travelled 30 feet on Wooster Pike. But in a manifest-weight analysis, we "defer to the [factfinder]'s credibility finding as it is in the 'superior position to decide which testimony to believe and which to disregard.'" *State v. Wolfert*, 2026-Ohio-2850, ¶ 52 (1st Dist.), quoting *Reillo* at ¶ 32. The trial court was entitled to credit the testimony of the responding officer. This is not an exceptional case where the evidence weighs heavily against the conviction.

{¶20} We overrule the fourth assignment of error.

III. Conclusion

{¶21} We affirm the trial court's judgment.

Judgment affirmed.

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