[Cite as *State v. Hill*, 2010-Ohio-6121.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 10AP-177 (M.C. 2008 CRB 016834)
Latoya A. Hill,	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on December 14, 2010

Richard C. Pfeiffer, Jr., City Attorney, *Lara N. Baker*, City Prosecutor, *Melanie R. Tobias* and *Orly Ahroni*, for appellee.

James P. Connors, for appellant.

APPEAL from the Franklin County Municipal Court.

McGRATH, J.

{¶1} Defendant-appellant, Latoya A. Hill ("appellant"), appeals from the judgment of conviction entered by the Franklin County Municipal Court. For the reasons that follow, we affirm the judgment of the trial court.

{¶2} Appellant was arrested and charged with jaywalking, which was dismissed prior to trial, and obstruction of official business, in violation of R.C. 2921.31(A). At the onset of the trial, appellant filed a motion for the jury to view the crime scene, which the trial court denied. A jury trial on the charge for obstruction of official business commenced on November 30, 2009, at which the following facts were adduced.

{¶3} On July 11, 2008, Clinton Township Police Officer Gary L. Sigrist, Jr., ("Officer Sigrist"), was patrolling Cleveland Avenue south of Morse Road as part of his duties. Officer Sigrist was wearing a Clinton Township Police Department uniform and was driving a properly marked police department vehicle. The Clinton Township Police Department has a zero tolerence policy on jaywalking because people have been hit by traffic and seriously injured. The chief of police had given a directive to his officers to stop and cite individuals they observed jaywalking.

{¶4} Officer Sigrist testified that, at approximately 5:52 p.m. on July 11, 2008, he observed appellant, appellant's daughter, and two other individuals preparing to cross Cleveland Avenue "outside of the crosswalk." (Tr. 201.) At that specific location, Cleveland Avenue is a four-lane road. Officer Sigrist testified that he exited his police cruiser, approached appellant and the other individuals, and explained to them that they were prohibited from crossing the street outside of the designated crosswalk. Appellant and her daughter walked back to appellant's apartment while the other two individuals headed to a crosswalk. Officer Sigrist entered his police cruiser and resumed patrol.

{¶5} Officer Sigrist testified that approximately two hours later (at approximately 8:00 p.m.), he observed appellant jaywalk across Cleveland Avenue close to the same spot where he had earlier stopped appellant. Appellant was alone, and there was no traffic in the area where appellant was crossing at that moment. Officer Sigrist testified that he intended to issue appellant a citation for jaywalking.

{¶6} To get appellant's attention, Officer Sigrist testified that he activated his police cruiser's siren, air horn, and light bar. Appellant turned and looked at Officer Sigrist, made eye contact with him, and immediately started running across Cleveland

Avenue toward a group of apartments. Officer Sigrist testified that he made a U-turn, pulled his cruiser in front of the apartments, and yelled twice at appellant to "stop." (Tr. 212, 242.) Officer Sigrist further testified that appellant "made eye contact with me and kept going away from me." (Tr. 212.) Officer Sigrist stated that he made eye contact with appellant a second time before she ran into the building. Officer Sigrist emphasized that appellant "knew I was there. She knew I was calling her." (Tr. 242-43.)

{¶7} Officer Sigrist testified that appellant ran through the courtyard to the back of the apartment complex and entered an apartment building. Officer Sigrist was unable to follow appellant and issue her a citation for jaywalking because a key was needed to enter the building. Officer Sigrist testified that, over his police radio, he reported that an individual had run and escaped, and then he resumed his normal patrol.

{¶8} Approximately 15 minutes later, Officer Sigrist drove behind the apartments to which appellant had fled and observed appellant in the parking lot. Officer Sigrist testified that he exited the cruiser, approached appellant, advised her that she was under arrest for jaywalking and obstructing official business, and then put his hand on her wrist and handcuffed her. After Officer Sigrist arrested appellant, he realized that appellant's daughter was with her. Officer Sigrist testified that appellant made arrangements for another individual to watch her daughter before she was transported to jail.

{¶9} Officer Sigrist testified that he discussed with appellant the fact that he had called out to her to stop and had twice made eye contact with her. Officer Sigrist testified that appellant claimed that she did not stop before entering the apartment building because she was doing laundry and that, while she had heard Officer Sigrist call out, she thought he was talking to somebody else, not her. Officer Sigrist testified that, because

he twice yelled at appellant in a loud voice and made eye contact with her, he believed that appellant knew that he was calling for her to stop. Officer Sigrist stated that, by not responding to his order to stop and by running away, appellant hampered or impeded his ability to perform his lawful duties, and, as a result, Officer Sigrist decided to charge her with obstructing official business.

{¶10} Appellant testified that on July 11, 2008, she was living in an apartment building on Cleveland Avenue with her boyfriend and daughter and decided to do laundry across the street. Appellant testified that when she and her daughter walked outside the front of her apartment building, she observed a police cruiser about five to ten feet ahead of her, and she saw a police officer talking to two women. Appellant further testified that she and her daughter proceeded to jaywalk across Cleveland Avenue in front of the police cruiser and then went to the back of the building and into the laundry room. Appellant testified that she did not hear any verbal warning to stop or any audible signal from the police cruiser.

{¶11} Appellant testified that she forgot to bring quarters with her, so she left her daughter alone in the laundry room while she went back to her apartment. Appellant stated that she jaywalked back across the street to retrieve the quarters, at which time she did not see a police cruiser. However, appellant testified that upon her return to the laundry room, she jaywalked across the street, yet again, even though she did see a police cruiser down the road. Appellant further testified that she did not see a light bar activated or hear a siren from the cruiser.

{¶12} Appellant testified that, when she later left the laundry room with her daughter, she observed a police cruiser pull up onto the sidewalk. Appellant testified that

an officer jumped out of the car, walked up to her, grabbed her arm, handcuffed her, and advised her that she was under arrest for jaywalking. Appellant testified that she made calls to arrange for someone to care for her daughter and then was transported to the police station.

{¶13} Appellant's counsel filed a handwritten motion for a jury view on the same day that the jury trial commenced. After the first day of voir dire, appellant's counsel filed a second request, typewritten, for a jury view. A hearing was held on these motions before voir dire was resumed. In her motion, appellant requested that the jury view: (1) the front of the apartment building where she resided on July 11, 2008, including the street in front of her apartment, and (2) the front and side of the apartment building across the street, as well as its rear attached room where appellant stated that she did her laundry. The trial court discussed with the jury commissioner "the logistics and some of the applications associated with conducting a jury view." (Tr. 122.) In the end, the trial court denied appellant's motion for a jury view because it found that the issues appellant wanted to present could "be shown to the jury just as well in the form of photographs or diagrams, which in the Court's view would be a less burdensome manner of presenting the same evidence to the jury." (Tr. 130.) At trial, several photographs of the scene of the offense and Mapquest exhibits produced by appellant were admitted into evidence. In addition, the scene of the offense was diagramed on a white board.

{¶14} On December 8, 2009, the jury found appellant guilty of obstructing official business. The trial court sentenced appellant to one year under community control, 30 hours of community service, and a fine of $250 plus court costs.

{¶15} Appellant appealed and set forth the following three assignments of error for this court's review:

> 1. The trial court erred by denying [appellant's] motion for acquittal.
>
> 2. The jury's verdict was against the manifest weight of the evidence.
>
> 3. The trial court erred by denying a jury view.

{¶16} In her first assignment of error, appellant asserts that the trial court erred by denying her motion for acquittal. We disagree.

{¶17} A motion for judgment of acquittal tests the sufficiency of the evidence. Crim.R. 29(A) provides: "The court on motion of a defendant or on its own motion * * * shall order the entry of a judgment of acquittal * * * if the evidence is insufficient to sustain a conviction of such offense or offenses." Accordingly, an appellate court reviews a trial court's denial of a motion for acquittal using the same standard for reviewing a sufficiency of the evidence claim. *State v. Darrington*, 10th Dist. No. 06AP-160, 2006-Ohio-5042, ¶15 (citing *State v. Barron*, 5th Dist. No. 05 CA 4, 2005-Ohio-6108, ¶38).

{¶18} The Supreme Court of Ohio delineated the role of an appellate court presented with a sufficiency of the evidence argument in *State v. Jenks* (1991), 61 Ohio St.3d 259, paragraph two of the syllabus:

> An appellate court's function when reviewing the sufficiency of the evidence to support a criminal conviction is to examine the evidence admitted at trial to determine whether such evidence, if believed, would convince the average mind of the defendant's guilt beyond a reasonable doubt. The relevant inquiry is whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.

{¶19} Whether the evidence is legally sufficient is a question of law, not fact. *State v. Thompkins* (1997), 78 Ohio St.3d 380, 386. Indeed, in determining the sufficiency of the evidence, an appellate court must give "full play to the responsibility of the trier of fact fairly to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts." *Jackson v. Virginia* (1979), 443 U.S. 307, 319, 99 S.Ct. 2781, 2789. Consequently, the weight of the evidence and the credibility of the witnesses are issues primarily determined by the trier of fact. *State v. Yarbrough,* 95 Ohio St.3d 227, 2002-Ohio-2126, ¶79; *State v. Thomas* (1982), 70 Ohio St.2d 79, 80. A verdict will not be disturbed unless, after viewing the evidence in the light most favorable to the prosecution, it is apparent that reasonable minds could not reach the conclusion reached by the trier of fact. *State v. Treesh*, 90 Ohio St.3d 460, 484, 2001-Ohio-4; *Jenks* at 273.

{¶20} In order to convict appellant of obstructing official business, the state had to prove beyond a reasonable doubt that she was in violation of R.C. 2921.31(A), which provides:

> No 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.

{¶21} In *State v. Kates*, 169 Ohio App.3d 766, 775, 2006-Ohio-6779, this court set out five essential elements of the offense of obstructing official business:

> R.C. 2921.31(A) thus includes five essential elements: (1) an act by the defendant, (2) done with the purpose to prevent, obstruct, or delay a public official, (3) that actually hampers or impedes a public official, (4) while the official is acting in the

> performance of a lawful duty, and (5) the defendant so acts without privilege.

Id. at ¶21, citing *State v. Dice*, 3d Dist. No. 9-04-41, 2005-Ohio-2505, ¶19; *State v. Brickner-Latham*, 3d Dist. No. 13-05-26, 2006-Ohio-609, ¶25.

{¶22} It is well-established in Ohio that " 'fleeing from a police officer who is lawfully attempting to detain [a] suspect * * * is an affirmative act that hinders or impedes the officer in performance of the officer's duties as a public official and is a violation of R.C. 2921.31, obstructing official business.' " *Kates* at ¶24, quoting *State v. Harris*, 10th Dist. No. 05AP-27, 2005-Ohio-4553, ¶16. In *Kates*, an officer responded to a traffic accident where the defendant was identified as one of the drivers involved. As the defendant walked toward a gas station, the officer followed, identified himself as a police officer, and repeatedly ordered the defendant to stop. The defendant turned around, looked at the officer, and started walking faster toward the gas station. The defendant was convicted of obstructing official business in violation of R.C. 2921.31(A) because the court found that the defendant's act in failing to heed the police officer's orders to stop walking away from him "was an affirmative act that hindered or impeded [the officer] in the performance of his official duties in investigating the accident and was sufficient to support the trial court's judgment of conviction for obstruction of official business." *Kates* at ¶27.

{¶23} Here, in the present case, appellant committed an affirmative act by fleeing from a police officer who was attempting to detain her for jaywalking. The jury reasonably believed Officer Sigrist's testimony that he observed appellant jaywalk, that he activated his police cruiser's siren, air horn, and light bar, that he yelled to appellant to stop, and

that he made eye contact with appellant twice. The jury further believed Officer Sigrist's testimony that he was sure that appellant heard him and understood that he was directing her to stop and that, in spite of this, appellant fled.

{¶24} Appellant argues that there was no official business to obstruct because Officer Sigrist did not take any action to issue a jaywalking citation to appellant. This is not accurate. Officer Sigrist did attempt to issue a jaywalking citation to appellant when he twice yelled for her to stop, made a U-turn to pursue her, activated his cruiser's siren, air horn, and light bar, and later chased her by foot. However, Officer Sigrist was locked out of the building that appellant entered and did not have the opportunity to actually issue the jaywalking citation. Officer Sigrist's official act of pursuit with the intent to issue a citation was obstructed by appellant. It was not until later, when he found her in the parking lot, that he was able to advise appellant that she was under arrest for jaywalking and obstructing official business.

{¶25} Appellant also argues that there is insufficient evidence to support the charge of obstructing official business and cites to the case of *State v. Ternes* (1998), 92 Ohio Misc.2d 76, a case in which a police officer pursued a motor vehicle and indicated to the defendant to stop by turning on his cruiser's lights and siren. In *Ternes*, the defendant did not immediately stop; rather, he continued to drive approximately one-half mile before pulling over. Id. at 78. In *Ternes*, the trial court could "not find any reported case where not stopping within a reasonable distance after a police officer activates his overhead lights and siren constitutes obstructing official business," and found, as a matter of law, that there was insufficient evidence to sustain a conviction of obstructing official business and granted defendant's motion for judgment of acquittal under Crim.R. 29. Id at 79.

{¶26} Appellant implies that her case is similar to *Ternes* and, therefore, should have a similar outcome, but we disagree. In *Ternes*, the defendant did eventually stop for the police officer to issue a citation, and the court found that the delay did not constitute obstructing official business. In contrast to this case, here, appellant did not stop at all. Rather, she ran from Officer Sigrist into an apartment building that was locked, leaving Officer Sigrist unable to issue a jaywalking citation.

{¶27} Consequently, we find that appellant's affirmative act of fleeing was done to prevent, and actually did hinder or impede, Officer Sigrist, a public official, from performing his official and lawful duty to stop and cite jaywalkers. Additionally, appellant had no privilege to impede Officer Sigrist's performance of this duty. Furthermore, viewing the totality of the evidence in a light most favorable to the state, the evidence is sufficient for reasonable minds to conclude that appellant was guilty of obstructing official business. Accordingly, appellant's conviction is supported by sufficient evidence, and, therefore, the trial court did not err by denying her motion for acquittal. Therefore, appellant's first assignment of error is overruled.

{¶28} In her second assignment of error, appellant asserts that the jury's verdict was against the manifest weight of the evidence. We disagree.

{¶29} In determining whether a verdict is against the manifest weight of the evidence, we sit as a "thirteenth juror." *Thompkins*, supra, at 387. Thus, we review the entire record, weigh the evidence and all reasonable inferences, and consider the credibility of witnesses. Id. Additionally, we determine " 'whether in resolving conflicts in the evidence, 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.' " Id.,

quoting *State v. Martin* (1983), 20 Ohio App.3d 172, 175. We reverse a conviction on manifest weight grounds for only the most " 'exceptional case in which the evidence weighs heavily against the conviction.' " *Thompkins* at 387, quoting *Martin* at 175. Moreover, " 'it is inappropriate for a reviewing court to interfere with factual findings of the trier of fact * * * unless the reviewing court finds that a reasonable juror could not find the testimony of the witness to be credible.' " *State v. Brown*, 10th Dist. No. 02AP-11, 2002-Ohio-5345, ¶10, quoting *State v. Long* (Feb. 6, 1997), 10th Dist. No. 96APA04-511.

{¶30} In the present case, the jury did not lose its way and create a manifest miscarriage of justice when it found appellant guilty of obstructing official business in violation of R.C. 2921.31(A). The jury was free to believe all, part, or none of the testimony of each witness. See *State v. Wiley*, 10th Dist. No. 03AP-340, 2004-Ohio-1008, ¶48. Here, the jury evidently found Officer Sigrist to be a credible witness and believed his testimony that he had observed appellant jaywalk, that he had activated his police cruiser's siren, air horn, and light bar, that he had yelled to appellant to stop, and that he had made eye contact with appellant twice. The jury further believed Officer Sigrist's testimony that he was sure that appellant heard him and understood that he was directing her to stop, and yet appellant fled. Additionally, Officer Sigrist testified that he had encountered appellant earlier in the day, and he had explained to her that she was prohibited from crossing the street outside of the designated crosswalk, at which time, appellant and her daughter walked back to appellant's apartment and Officer Sigrist entered his police cruiser and resumed patrol. This confirms that appellant knew jaywalking was prohibited, yet she fled from Officer Sigrist later that evening when he attempted to detain her for jaywalking, a violation she admitted to in her testimony.

Officer Sigrist testified that he believed that appellant knew that she had jaywalked and knew that he was attempting to detain her for jaywalking. A reasonable juror could find all of Officer Sigrist's testimony to be credible, and these jurors obviously did.

{¶31} After carefully reviewing the trial court's record in its entirety, we cannot find that the trier of fact clearly lost its way or that any miscarriage of justice resulted. Therefore, we cannot find that appellant's conviction is against the manifest weight of the evidence. Appellant's second assignment of error is also overruled.

{¶32} Appellant contends in her third assignment of error that the trial court erred by denying a jury view. We disagree.

{¶33} R.C. 2945.16 provides in pertinent part:

> When it is proper for the jurors to have a view of the place at which a material fact occurred, the trial court may order them to be conducted in a body, under the charge of the sheriff or other officer, to such place, which shall be shown to them by a person designated by the court. While the jurors are absent on such view no person other than such officer and such person so appointed, shall speak to them on any subject connected with the trial. The accused has the right to attend such view by the jury, but may waive this right.

{¶34} " 'The question of a "jury view" is within the discretion of the trial court and a decision regarding such will not be disturbed on appeal unless an abuse of discretion is established.' " *State v. Waugh*, 10th Dist. No. 07AP-619, 2008-Ohio-2289, ¶12, quoting *State v. Montalvo* (1974), 47 Ohio App.2d 296, 297. The Supreme Court of Ohio has stated that "[t]he term 'abuse of discretion' connotes more than an error of law or judgment; it implies that the court's attitude is unreasonable, arbitrary or unconscionable." *Blakemore v. Blakemore* (1983), 5 Ohio St.3d 217, 219. An unreasonable decision is one that is unsupported by a sound reasoning process; an arbitrary attitude is an attitude that

is without adequate determining principle not governed by any fixed rules or standard; and unconscionable may be defined as affronting the sense of justice, decency, or reasonableness. *Waugh* at ¶13. When applying an abuse-of-discretion standard, "an appellate court is not free to substitute its judgment for that of the trial judge." *Berk v. Mathews* (1990), 53 Ohio St.3d 161, 169.

{¶35} In *Waugh*, the defendant was convicted of operating a vehicle while impaired after he was involved in an automobile accident. The state's witnesses testified that the defendant was driving the vehicle, while the defendant's witnesses, including defendant, testified that the defendant's girlfriend was driving the vehicle. By means of a pretrial motion, the defendant moved the court for a jury view to allow the jurors to observe the scene of the accident and the automobiles that the defendant allegedly drove at the time of the collision. The trial court denied the motion and found that the issues that the defendant wanted to present could be presented to the jury through video, pictures, or other means rather than a jury view.

{¶36} In *Waugh*, this court held that:

> Such a determination by the trial court is supported by a sound reasoning process and is not without an adequate determining principle. Moreover, we cannot conclude that the trial court's denial of defendant's request for a jury view affronts a sense of justice, decency, or reasonableness. Accordingly, we conclude that the trial court did not act unreasonably, arbitrarily, or unconscionably by denying defendant's request for a "jury view" pursuant to R.C. 2945.16.

Id. at ¶14.

{¶37} Like the trial court in *Waugh*, the trial court in this case acted with a sense of justice, decency, and reasonableness when it denied appellant's motion for a jury view.

The trial court first conferred with the jury commissioner regarding the logistics and applications involved with conducting a jury view, and, after reasonable consideration, the trial court found that appellant's issues could "be shown to the jury just as well in the form of photographs or diagrams, which the Court's view would be a less burdensome manner of presenting the same evidence to the jury." (Tr. 130.) Furthermore, such photos, maps and diagrams were produced and admitted as evidence at trial. We cannot conclude that the trial court abused its discretion, affronting a sense of justice, decency, or reasonableness, when it denied appellant's request for a jury view. The trial court did not act unreasonably, arbitrarily, or unconscionably by denying appellant's request for a jury view pursuant to R.C. 2945.16.

{¶38} Appellant maintains, however, that the trial court's denial of her request for a jury view deprived her of due process of law. We disagree.

{¶39} "The Fourteenth Amendment to the United States Constitution prohibits any state from depriving 'any person of life, liberty, or property, without due process of law.' " *State ex rel. Haylett v. Ohio Bur. of Workers' Comp*. (1999), 87 Ohio St.3d 325, 331. See, generally, Section 1, Fourteenth Amendment to the United States Constitution. Under the Ohio Constitution, "Section 16, Article I * * * states that 'every person, for an injury done him in his land, goods, person or reputation, shall have remedy by due course of law.' " *Haylett* at 331. See generally, Section 16, Article I, Ohio Constitution.

{¶40} "The 'due course of law' provision [in Section 16, Article I of the Ohio Constitution] is the equivalent of the 'due process of law' provision in the Fourteenth Amendment to the United States Constitution." *Sorrell v. Thevenir* (1994), 69 Ohio St.3d 415, 422-32 (citations omitted). "When read in conjunction with Sections 1, 2, and 19 [of

the Ohio Constitution], Section 16 is the equivalent to the Fourteenth Amendment's due process clause. * * * As a consequence, decisions of the United States Supreme Court can be utilized to give meaning to the guarantees of Article I of the Ohio Constitution." *State ex rel. Heller v. Miller* (1980), 61 Ohio St.2d 6, 8. (Citations omitted.)

{¶41} "The right of an accused in a criminal trial to due process is, in essence, the right to a fair opportunity to defend against the State's accusations." *Chambers v. Mississippi* (1973), 410 U.S. 284, 294, 93 S.Ct. 1038, 1045. "Few rights are more fundamental than that of an accused to present witnesses in his own defense." Id. at 302. In *Chambers*, the Supreme Court of the United States explained:

> The rights to confront and cross-examine witnesses and to call witnesses in one's own behalf have long been recognized as essential to due process. Mr. Justice Black * * * identified these rights as among the minimum essentials of a fair trial:
>
> "A person's right to reasonable notice of a charge against him, and an opportunity to be heard in his defense-a right to his day in court-are basic in our system of jurisprudence; and these rights include, as a minimum, a right to examine the witnesses against him, to offer testimony, and to be represented by counsel."

Id. at 294, quoting *In re Oliver* (1948), 333 U.S. 257, 273, 68 S.Ct. 499, 507.

{¶42} Although due process requires that an accused be given a fair opportunity to defend against the state's accusations, due process does not provide an accused with a limitless right to present relevant evidence. See, e.g., *United States v. Scheffer* (1998), 523 U.S. 303, 308, 118 S.Ct. 1261, 1264, wherein the United States Supreme Court stated that "[a] defendant's right to present relevant evidence is not unlimited, but rather is subject to reasonable restrictions. * * * A defendant's interest in presenting such evidence may thus 'bow to accommodate other legitimate interests in a criminal trial process.' "

(citations omitted); Id. 523 U.S. at 303, 118 S.Ct. at 1262 (observing that the United States Supreme Court has found "the exclusion of evidence to be unconstitutionally arbitrary or disproportionate only where it has infringed upon a weighty interest of the accused"). (Citations omitted.)

{¶43} In *Montana v. Egelhoff* (1996), 518 U.S. 37, 116 S.Ct. 2013, the United States Supreme Court instructed:

> Due process demands that a criminal defendant be afforded a fair opportunity to defend against the State's accusations. Meaningful adversarial testing of the State's case requires that the defendant not be prevented from raising an effective defense, which must include the right to present relevant, probative evidence. To be sure, the right to present evidence is not limitless; for example, it does not permit the defendant to introduce any and all evidence he believes might work in his favor * * * nor does it generally invalidate the operation of testimonial privileges * * *. Nevertheless, "an essential component of procedural fairness is an opportunity to be heard. That opportunity would be an empty on if the State were permitted to exclude competent, reliable evidence" that is essential to the accused's defense.

Id. 518 U.S. at 63-64, 116 S.Ct. at 2028. (Citations omitted.)

{¶44} This court has already clarified that a view of the crime scene, however, " 'is not considered evidence, nor is it a crucial step in the criminal proceedings." *Waugh* at ¶21, quoting *State v. Hopfer* (1996), 112 Ohio App.3d 521, 542 (citations omitted). Rather, " '[a] jury view of a crime scene is for the purpose of helping the jurors to better understand the evidence presented.' " Id., quoting *State v. Burgin* (Mar. 23, 2001), 4th Dist. No. 99CA2532; see also 1 Ohio Jury Instructions, Section 401.15; R.C. 2945.16.

{¶45} Because a jury view is not evidence, *Hopfer* at 542, by denying appellant's request for a jury view, the trial court did not prevent appellant from presenting relevant,

probative evidence to support her defense. See, e.g., *Hasan v. Ishee* (Aug. 14, 2006), S.D. Ohio No. 1:03-cv-288 (finding that a trial court's denial of a petitioner's request for a jury view did not prevent a petitioner from presenting evidence to support his defense).

{¶46} Additionally, in the case at hand, notwithstanding the trial court's denial of appellant's motion for a jury view, appellant was presented with the "minimum essentials" of a fair trial: reasonable notice of the charges against her; opportunity to be heard in her defense, i.e., "a right to her day in court"; opportunity to examine the witnesses against her; opportunity to offer testimony; and opportunity to be represented by counsel. See *Chambers* at 294. Specifically, appellant had the opportunity to cross-examine Officer Sigrist, whom the state called on its behalf in support of its allegation that appellant had obstructed official business. Moreover, appellant had an opportunity to offer evidence in her defense, including testimony of witnesses and her own testimony, as well as photos, maps and diagrams of the crime scene.

{¶47} Under such facts and circumstances, despite appellant's claims to the contrary, we must conclude that appellant was afforded a meaningful adversarial testing of the state's claim that appellant had obstructed official business, in violation of R.C. 2921.31(A).

{¶48} Furthermore, because, as discussed above, the trial court did not act unreasonably, arbitrarily, or unconscionably by denying appellant's request for a jury view, appellant cannot make a showing of identifiable prejudice to support reversal attributable to a due process violation. See, e.g., In re C.W., 9th Dist. No. 06CA0033-M, 2006-Ohio-5635, ¶9 (stating that "[t]o demonstrate a reversible denial of due process, as with any alleged error on appeal, an appellant typically must make a showing of

identifiable prejudice"); see also *Estes v. Texas* (1965), 381 U.S. 532, 542-43, 85 S.Ct. 1628, 1632, rehearing denied, 382 U.S. 875, 86 S.Ct. 18 (acknowledging that in most cases involving claims of due process violations a showing of identifiable prejudice to the accused is required).

{¶49} Accordingly, for the reasons set forth above, we hold that the trial court did not abuse its discretion when it denied appellant's request for a jury view, nor did the denial deprive appellant of due process of law under the United States and Ohio Constitutions. We therefore overrule appellant's third assignment of error.

{¶50} Having overruled appellant's three assignments of error, we affirm the judgment of the Franklin County Municipal Court.

Judgment affirmed.

BRYANT and KLATT, JJ., concur.

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