[Cite as *State v. Price*, 2026-Ohio-4509.]

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

STATE OF OHIO,	:	APPEAL NO. C-260152 TRIAL NO. B-2504309
Plaintiff-Appellee,	:	
vs.	:	
ERIQUAN PRICE,	:	*JUDGMENT ENTRY*
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 11/13/2026.

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:_____
Administrative Judge

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Plaintiff-Appellee,	:	
vs.	:	*O P I N I O N*
ERIQUAN PRICE,	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: November 13, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Norbert Wessels*, Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Timothy J. McKenna, for Defendant-Appellant.

KINSLEY, Presiding Judge.

{¶1} A jury convicted defendant-appellant Eriquan Price of two counts of felonious assault and of having weapons while under disability. Price appeals, arguing that the manifest weight of the evidence showed that he acted in self-defense, that his convictions were not supported by sufficient evidence, and that his counsel was ineffective for failing to continue the trial when the State was late in disclosing a ballistics report. For the reasons explained in this opinion, we disagree and affirm the judgment of the trial court.

Background

{¶2} Price was charged with felonious assault in violation of R.C. 2903.11(A)(1) and (2), both second-degree felonies, and having weapons while under disability in violation of R.C. 2923.13(A)(3), a third-degree felony, after an August 11, 2025 confrontation with A.W. A.W. had recently dated Price's then-girlfriend, T.S., and the two men confronted one another at T.S.'s apartment complex. Both men suffered gunshot wounds.

{¶3} Five days before trial, the State disclosed a ballistics report to Price's attorney that connected a gun found in T.S.'s car to a cartridge found at the scene. This was past the deadline established in Crim.R. 16(K), which requires the State to disclose expert reports at least 21 days before trial, so the State sought a continuance. Price's attorney objected. According to defense counsel, Price did not intend to contest that the gun from T.S.'s car was the same gun used to shoot A.W. but instead planned to argue that he acted in self-defense. Thus, in Price's view, a continuance was unnecessary. Based on counsel's representations, the trial court overruled the State's motion, and the matter proceeded to a jury trial.

{¶4} The State first called D.W., a resident of T.S.'s apartment complex. D.W.

testified that on August 11, 2025, she was at home with her daughter when they heard a gunshot. D.W. immediately went to the main floor of the complex, where she saw Price and another man on the ground "with a gun in their hand." D.W. did not know who brought the gun to the scene. Price was "sitting, slouched," holding a gun with "the other man's hand on top of his hand." Price asked D.W. to call an ambulance and told the other man that "he already shot hisself." The other man then ran out of the door, "the girlfriend" came upstairs, and Price asked her to take him to the hospital. Price, who was visibly limping, then left with his girlfriend.

{¶5} A.W. testified that he had dated T.S. for several years, but they broke up in March 2025 and had recently attempted to rekindle their romance. A.W. went to T.S.'s apartment, uninvited, on August 11 to discuss their relationship, when he saw another man's contact on her phone. Upset that T.S. might be dating someone else, A.W. called the man and briefly spoke with him on FaceTime. T.S. then stepped outside to make a call, and A.W. tried to leave. But when he got to the main floor of the building, A.W. encountered Price, who "just came right at [him]." Price hit A.W., and in response A.W. "kind of grabbed him up." Price then "reached at his waist, then he fired a shot."

{¶6} Not wanting to give Price another opportunity to shoot the gun, A.W. wrestled Price down and pinned his hand to the ground. While Price was pinned, A.W. heard Price tell T.S. that he had shot himself. According to A.W., T.S. began hitting him and telling him to let Price go. A.W. then saw T.S. grab the gun and walk away. When she did, Price told T.S. to shoot him, and she gave Price the gun. Price then aimed the gun at him, so he ran away.

{¶7} A.W. eventually went to the hospital where he spoke to police. A.W. denied owning a gun, bringing one to the apartment that day, or attempting to throw

Price over the stairwell during the altercation. He emphasized that he was just trying to pin Price down to prevent him from shooting the gun again.

{¶8} Officer Dews, a Cincinnati Police Department ("CPD") investigator, testified that he collected evidence at the crime scene, including a spent shell casing and an intact bullet. Dews also spoke to both A.W. and Price at different hospitals. Price told Dews that his leg was injured but said nothing about A.W. Believing that the firearm in question was in T.S.'s vehicle, Dews obtained a warrant, searched the car, and found a gun in the glovebox.

{¶9} Bridget Chambers, a firearms examiner at the Hamilton County Coroner's Office and Crime Laboratory, testified that she analyzed a cartridge case that was found at the scene. Based on her analysis, she believed that the cartridge was fired from the gun police retrieved from T.S.'s car.

{¶10} Officer Giver, a CPD detective, testified that he spoke to Price at the hospital, who reported that he was shot in his leg while watching a fight. Through Giver, the State introduced into evidence recorded jail calls between Price and T.S. In pertinent part, the recordings contained the following exchange:

> Price: If they get in that car, you gonna have to tell them that gun was yours. You hear me?
>
> T.S.: Yeah.
>
> Price: Then, if it come down to it, just tell them it was mine. Tell them the truth . . . Make sure you tell them that I didn't shoot him.
>
> . . .
>
> T.S.: I just went and got my car.
>
> Price: Good, good. Is my stuff still in there?

T.S.: No, there's nothing in here.

Price: Man, fuck. They got it.

T.S.: Yeah

Price: Did you check?

T.S.: Yeah

Price: The glove compartment?

T.S.: Yes, it's gone.

Price: Well, we goin' from there then. We'll be goin' from fuckin' there.

{¶11} T.S. testified that she and A.W. had previously dated. They broke up in February 2025, but A.W. recently began calling and texting again. T.S. told Price she had been abused by another man to explain damage in her apartment. When A.W. started appearing unannounced, she told Price that she was afraid of him.

{¶12} According to T.S., Price stayed at her apartment for several days leading up to the incident. She and A.W. exchanged calls and texts the day of the shooting about her relationship with Price. After T.S. told A.W. to stop calling, A.W. showed up to her apartment uninvited, "busted open" the bathroom door, and took her phone. When he saw messages between her and Price, he called Price on her phone.

{¶13} T.S. tried to leave, but A.W. initially blocked her way. When she finally got outside, A.W. pushed past her so he could get up the stairs to Price. T.S. watched as A.W. immediately ran up to Price, hit him, and then tried to throw him over the banister. T.S. tried to pull A.W. back, at which point she heard a gunshot. She did not initially see the gun, but after it fired, she said that Price was on the ground with A.W. over him, and they both had their hands on the gun. T.S. grabbed the gun, put it under her shirt, and ran out of the building. She wanted to lock the gun in her car, but A.W.

chased her. She eventually went back to the apartment where Price was still on the ground. T.S. helped Price into her car and put the gun in the glove compartment. T.S. acknowledged that she later talked to Price by phone while he was in jail.

{¶14} Price testified that around April or May of 2025, T.S. confided in him that she had recently been in an abusive relationship, but she did not tell him who the abuser was. Price spent the week leading up to the shooting at T.S.'s apartment and left that day around 3:00 p.m. After he left, he received a call from an unknown man on T.S.'s phone, whom he assumed was her ex-boyfriend. When the man said, "I'm over here," Price believed T.S. was in danger and went back to protect her.

{¶15} When he returned to the apartment, Price asked T.S. to come outside, but instead, A.W. came up the stairs and swung at him. In response, Price hit A.W. who then tried to push him over the banister. A.W. then reached for his waistband to pull out a gun, and Price tried to grab the gun to stop him. The gun fell, and as the two men wrestled for it, the gun discharged a bullet into Price's leg. Price recalled saying, "I done near shot myself."

{¶16} Price then told T.S. to take the gun so neither of them would get hurt. In response, T.S. punched A.W. to remove him from Price, after which Price handed T.S. the gun, and T.S. ran to her car. A.W. chased her, and Price told T.S., "If he touch you, shoot him." T.S. then brought the gun back towards Price but did not actually give it to him. Instead, she helped Price into her car, placing the gun in her glove compartment before racing to the hospital.

{¶17} Price acknowledged telling the police that he was shot while watching a fight but testified that he was "high" from the pain medication and traumatized from the day's events. Regarding his jail calls, Price emphasized that he wanted T.S. to tell the truth. Price insisted that he did not bring the gun to T.S.'s apartment.

{¶18} Following the testimony, the jury found Price guilty of all three charges. On March 31, 2026, the trial court merged the two felonious assault offenses and sentenced Price to a term of four-to-six years in the Ohio Department of Rehabilitation and Correction for felonious assault, three years for the firearm specification, and three years for having weapons while under disability. It remitted fines and costs. This appeal followed.

Analysis

{¶19} Price raises three assignments of error on appeal. First, he argues that his counsel was ineffective for not continuing the trial. He next contends that the manifest weight of the evidence showed that he acted in self-defense. Finally, he argues that his convictions were not supported by sufficient evidence.

A. Ineffective Assistance

{¶20} First, Price contends that his trial attorney represented him ineffectively by agreeing to try his case rather than continuing it when the State disclosed Chambers's ballistics report less than 21 days before trial in violation of Crim.R. 16(K). He also argues that trial counsel rendered ineffective assistance by failing to engage a crime-scene expert to aid in his defense. We disagree.

{¶21} The defendant bears the burden to show ineffective assistance of counsel. *State v. Hackney*, 2016-Ohio-4609, ¶ 36 (1st Dist.). To succeed on an ineffective assistance of counsel claim, an appellant must show that (1) trial counsel's performance was deficient, and (2) the deficient performance deprived the appellant of a fair trial. *State v. Akins*, 2024-Ohio-1491, ¶ 45 (1st Dist.), citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984). As to the first prong, "[t]he defendant must overcome the presumption that, under the circumstances, the challenged action might be considered sound trial strategy." *State v. Grubbs*, 2025-Ohio-2756, ¶ 67 (1st Dist.),

citing *Strickland* at 689. As to the second, the appellant must prove that, but for counsel's errors, the result of the trial would have been different. *State v. Bradley*, 42 Ohio St.3d 136, 143 (1989).

1. Expert Report

{¶22} Price first takes issue with his trial counsel's decision to accept the State's submission of an expert ballistics report five days before trial rather than acquiescing in the State's request for a continuance. We cannot say this constituted deficient performance, as neither the nature of the gun nor its connection to the incident were contested issues at trial. In fact, Price himself testified that T.S. put the gun in her glovebox after she picked it up from the scene. Thus, the decision of Price's attorney to move forward with trial was strategically reasonable, given the inconsequential impact of the late-disclosed ballistics report. *See Grubbs* at ¶ 67.

{¶23} Moreover, we fail to see how agreeing to the State's request for a continuance would have changed the outcome of Price's trial. Both Price and T.S. testified that T.S. put the gun in her glovebox. Thus, even if defense counsel had somehow undermined the ballistics report by continuing the trial or excluding it under Crim.R. 16(K), the testimony of two witnesses still established that the gun from T.S.'s car was the same gun used in the incident. Viewed in that light, any potential deficiency in counsel's failure to object was not prejudicial. *See Bradley* at 143; *see also State v. Opp*, 2014-Ohio-1138, ¶ 19 (3d Dist.) (holding that the defendant was not prejudiced by expert testimony that provided the same basic facts that defendant admitted to on the record and that defense witnesses did not contradict). Counsel's failure to object to the untimely expert report simply did not amount to ineffective assistance of counsel.

2. Defense Expert

{¶24} Price next argues that counsel's failure to hire a crime scene reconstructionist amounted to ineffective assistance. He asserts that such an expert could have "explained the contradictory testimony and helped the jury understand what happened." But no reconstructionist's report appears in the record, so Price's argument is pure speculation. We simply do not know what an expert in crime scene reconstruction would have said or whether that testimony would have changed the outcome below. Without such a record before us, Price cannot carry his burden of demonstrating ineffective assistance of counsel. *See State v. Jordan*, 2022-Ohio-2566, ¶ 70 (1st Dist.), citing *Strickland*, 466 U.S. at 694.

{¶25} Accordingly, we overrule Price's first assignment of error.

B. Manifest Weight

{¶26} In his second assignment of error, Price argues that his convictions were against the manifest weight of the evidence on the issue of self-defense.

{¶27} The elements of a self-defense claim in a case involving nondeadly force are (1) that the defendant was not at fault in creating the altercation, (2) that he had reasonable grounds to believe that he was in imminent danger of bodily harm, and (3) that the only way to protect himself from the danger was by using force and that he did not use more force than was reasonably necessary to defend himself against the imminent danger of bodily harm. *State v. Ridley*, 2022-Ohio-2561, ¶ 15 (1st Dist.). Ohio follows a burden-shifting scheme for self-defense. The initial burden rests with the defendant to produce evidence that tends to support the elements of self-defense. *State v. Harris*, 2025-Ohio-5438, ¶ 20 (1st Dist.), citing R.C. 2901.05(B)(1).

{¶28} If the defendant satisfies his initial burden, then the burden shifts to the State to disprove at least one of the elements of self-defense beyond a reasonable

doubt. *Id.* One of the ways the State may do so is by showing that the defendant was "at fault in causing the circumstances that led to the altercation." *State v. Nichols*, 2025-Ohio-1515, ¶ 25 (1st Dist.); *State v. Hendrickson*, 2009-Ohio-4416, ¶ 27 (4th Dist.) ("[T]he 'not-at-fault' requirement generally means that the defendant must not have been the initial aggressor in the incident.").

{¶29} We review the question of whether the State successfully rebutted a defendant's self-defense claim under the manifest-weight-of-the-evidence standard of review. *State v. Harris*, 2025-Ohio-5438, ¶ 17 (1st Dist.), citing *State v. Messenger*, 2022-Ohio-4562, ¶ 26. To assess whether a conviction is supported by the manifest weight of the evidence, we must independently "review the entire record, weigh the evidence, consider the credibility of the witnesses, and determine whether the trier of fact clearly lost its way and created a manifest miscarriage of justice." *State v. Powell*, 2020-Ohio-4283, ¶ 16 (1st Dist.), citing *State v. Thompkins*, 78 Ohio St.3d 380, 388 (1997). In doing so, we afford substantial deference to the credibility determinations of the trier of fact because the trier directly observes the witnesses during trial proceedings. *State v. Reillo,* Slip Opinion No. 2026-Ohio-2701, ¶ 28. Moreover, "[i]f the evidence is susceptible of more than one construction, the reviewing court is bound to give it that interpretation which is consistent with the verdict and judgment, most favorable to sustaining the verdict and judgment." *Id.*, quoting *In re Z.C.*, 2023-Ohio-4703, ¶ 14. Accordingly, reversal on manifest weight grounds is warranted "only in the exceptional case in which the evidence weighs heavily against the conviction." *Id.* at ¶ 27, quoting *Thompkins* at ¶ 31.

{¶30} Here, the State does not contest that Price put forth sufficient evidence to meet his initial self-defense burden. Thus, the only question is whether the State satisfied its burden to disprove at least one of the elements of self-defense beyond a

reasonable doubt. *See Messenger* at ¶ 25.

1. Felonious Assault

{¶31} With regard to Price's conviction for felonious assault, the State presented evidence at trial that established that Price was the first aggressor. Most notably, A.W. testified that when he attempted to leave T.S.'s apartment, Price came towards him, hit him, pulled a gun from his waistband, and fired a shot. Price argues that T.S.'s testimony contradicts A.W.'s, as does his own, because both T.S. and Price identified A.W. as the first aggressor. But the jury was entitled to discount these accounts and to instead believe A.W., which it clearly did. While the testimony of Price's defense witnesses could support a finding that A.W. was the initial aggressor, we must interpret the evidence in a way that is consistent with the jury's finding of guilt. *See Reillo* at ¶ 14. Thus, the jury did not lose its way in rejecting Price's claim of self-defense, and his conviction for felonious assault was not against the manifest weight of the evidence.

2. Weapons under Disability

{¶32} Price next argues that his conviction for having a weapon while under a disability was against the manifest weight of the evidence because he was acting in self-defense when he had the firearm. Ohio law allows a person under a legal disability to use a firearm in self-defense in "very limited circumstances." *State v. Courtney*, 2026-Ohio-676, ¶ 26-27 (1st Dist.). "In Ohio, the self-defense exception to having a weapon while under a disability does not apply in circumstances where the defendant had possession of the weapon prior to the incident giving rise to the charges or in anticipation of a confrontation." (Cleaned up.) *Id.* at ¶ 27, quoting *State v. Kyle*, 2020-Ohio-3281, ¶ 34 (8th Dist.).

{¶33} Price argues that no physical evidence tied him to the gun before the

incident. However, "a lack of physical evidence, standing alone, does not render appellant's conviction against the manifest weight of the evidence." *State v. Carter*, 2023-Ohio-18, ¶ 17 (1st Dist.), quoting *State v. Peeples*, 2014-Ohio-4064, ¶ 21 (10th Dist.). "[T]he elements of a crime may be proven by circumstantial evidence." *State v. Maiocco*, 2026-Ohio-3211, ¶ 14 (1st Dist.). Here, A.W. testified that Price reached for his waist and fired a shot. A.W. further testified that he does not own a gun and did not bring one to T.S.'s apartment. Additionally, during his jail calls, Price said to T.S., "Then, if it come down to it, just tell them that [the gun] was mine. Tell them the truth." He also asked if his "stuff" was still in the glove compartment after the police searched the car, and T.S. told him "it" was gone. Finally, Dews testified that the only thing he removed from T.S.'s car was a gun. Although no witnesses saw Price with the gun before the incident, this was more than enough evidence from which a jury could infer that he possessed it prior to the confrontation. *See Courtney* at ¶ 27. The jury was "in the sole position to believe or disbelieve all or any of the testimony presented at trial," and we defer to its determination. *Reillo*, Slip Opinion No. 2026-Ohio-2701, at ¶ 32, quoting *State v. Johnson,* 2023-Ohio-2424, ¶ 23 (6th Dist.). As a result, Price's weapons under disability conviction was not against the manifest weight of the evidence.

{¶34} We overrule Price's second assignment of error.

C. Sufficiency

{¶35} In his final assignment of error, Price argues that the State presented insufficient evidence to prove the requisite mental state for each conviction. As to his felonious assault conviction, Price argues that the State failed to prove he acted knowingly, because no physical evidence established who the shooter was and because the gun could have discharged accidentally. As to the weapons under disability charge,

Price again argues that the State failed to prove that he acted knowingly, because there was conflicting testimony about who brought the gun to the altercation.

{¶36} To assess whether a conviction is supported by sufficient evidence, we ask "whether after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found all the essential elements of the crime beyond a reasonable doubt." *Powell*, 2020-Ohio-4283, at ¶ 16 (1st Dist.), citing *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus. "Where reasonable minds can reach different conclusions upon conflicting evidence, determination as to what occurred is a question for the trier of fact. It is not the function of an appellate court to substitute its judgment for that of the factfinder." *State v. Gurung*, 2024-Ohio-3202, ¶ 19 (1st Dist.).

{¶37} "Culpable mental states are frequently demonstrated through circumstantial evidence." (Cleaned up.) *State v. Pride*, 2026-Ohio-3328, ¶ 19 (1st Dist.), citing *State v. Thomas*, 2025-Ohio-1767, ¶ 22 (2d Dist.). "A defendant's state of mind may be inferred from the totality of the circumstances." *Id.*, citing *State v. Murphy*, 2018-Ohio-3506, ¶ 16 (2d Dist.).

1. Felonious Assault

{¶38} To convict Price of felonious assault, the State was required to prove that he knowingly caused physical harm or serious physical harm to another person. *See* R.C. 2903.11. The evidence presented at trial was more than sufficient to demonstrate that Price acted knowingly. For example, A.W. testified that after Price hit him, Price reached for his waist and fired a shot. The act of reaching for the gun and purposefully firing it indicates that Price acted with knowledge of his conduct. Moreover, Price himself admitted to saying that he shot himself, a statement D.W. also overheard. Viewed in the light most favorable to the State, this statement implies

knowledge on Price's part that he was the shooter. D.W. also testified that she saw Price's hand on the gun.

{¶39} Price points to conflicting testimony regarding who fired the shot as support for his sufficiency challenge. But when determining sufficiency of the evidence, appellate courts "neither resolve evidentiary conflicts nor assess the credibility of the witnesses." *State v. Todd*, 2023-Ohio-2139, ¶ 6 (1st Dist.), citing *State v. Thomas*, 2013-Ohio-5386, ¶ 45 (1st Dist.). Thus, the testimony of A.W. and D.W., coupled with Price's own statement, is sufficient to support his conviction, even if Price and T.S. testified differently.

2. Weapons under Disability

{¶40} The State was also required to prove that Price acted knowingly to convict him of having weapons while under a disability. *See* R.C. 2923.13. It presented sufficient evidence to do so. Price essentially admitted in his recorded jail conversations with T.S. that the gun was his. A.W. also testified that Price pulled the gun from his waistband. While Price and T.S. might have testified differently at trial, we do not consider witness credibility or weigh conflicting testimony in considering a sufficiency challenge on appeal. *Todd* at ¶ 6.

{¶41} There was sufficient evidence to support Price's convictions, and we overrule his third assignment of error.

Conclusion

{¶42} Because Price's counsel was not ineffective, and because his convictions were supported by sufficient evidence and were not against the manifest weight of the evidence, we overrule his assignments of error and affirm the trial court's judgment.

Judgment affirmed.

CROUSE and **MOORE, JJ.,** concur.