

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
ASHTABULA COUNTY**

CITY OF CONNEAUT,

Plaintiff-Appellee,

- vs -

FELIX STANIS,

Defendant-Appellant.

CASE NO. 2025-A-0064

Criminal Appeal from the
Conneaut Municipal Court

Trial Court No. 2024 CRB 00388

OPINION AND JUDGMENT ENTRY

Decided: September 8, 2026

Judgment: Affirmed

John D. Lewis, Law Director, City of Conneaut, 294 Main Street, Conneaut, OH 44030
(For Plaintiff-Appellee).

Malcolm Stewart Douglas, Malcolm Stewart Douglas, Co., L.P.A., 113 North Chestnut
Street, Jefferson, OH 44047 (For Defendant-Appellant).

ROBERT J. PATTON, J.

{¶1} Defendant-appellant, Felix Stanis (“Stanis”), appeals from the judgment of the Conneaut Municipal Court sentencing him to a fully suspended 180-day term of incarceration, a supervised three-year term of community control, a \$750 fine, and court costs following a jury trial where Stanis was found guilty of one count of misconduct at an emergency, a first-degree misdemeanor, in violation of Conneaut Mun.Ord. 509.05(a)(3).

{¶2} On appeal, Stanis alleges that his conviction is against the manifest weight and sufficiency of the evidence. According to Stanis, the situation in this case, a collapsing roof, did not amount to an emergency as a matter of law. Upon review, we conclude that

the evidence adduced at trial, when viewed in the light most favorable to the City of Conneaut (“City”), was sufficient for any rational trier of fact to find the elements proven beyond a reasonable doubt. Additionally, we do not find the jury delivered a manifest miscarriage of justice warranting a new trial.

{¶3} Accordingly, the judgment of the Conneaut Municipal Court is affirmed.

Substantive and Procedural Facts

{¶4} On December 10, 2024, the Conneaut City Fire Department (“CFD”) and the Conneaut City Police Department (“CPD”) were dispatched to 183 Wrights Avenue regarding a roof collapse observed to be caused by a large amount of snow. The utilities, gas, and electric companies were promptly notified to disconnect their services for safety concerns if the structure were to collapse. The CFD taped off the perimeter of the structure as well as the adjacent street to prevent injury to others if the structure collapsed. The CFD instructed Stanis not to enter the property until the structure could be evaluated by the County Building Department for the safety of Stanis and neighbors.

{¶5} The structure was ultimately deemed unsafe for entry, and a letter was drafted by the CFD advising Stanis that the structure was an “immediate collapse hazard.” The letter was personally delivered by CPD Officer Brent on December 10, 2024 along with an emergency abatement notice from the Conneaut City Zoning Department advising Stanis that the structure was a public health hazard, that all persons must be removed from the property, and that Stanis had 48 hours to demolish the structure. Officer Brent testified that he informed Stanis that he would be arrested if he were to cross the caution tape.

{¶6} On December 11, 2024, Officer Brent observed Stanis and another individual standing on the roof of the structure. Stanis used his boom lift, a part of his construction business, to obtain access to the roof and assess the damage. When instructed by CPD to get off the roof, he refused to descend and contacted his attorney. He was ordered off the roof a second time, but Stanis refused again. Chief Colby arrived on scene and gave a final warning. Stanis eventually descended and was arrested.

{¶7} The following day, on December 12, 2024, a complaint was filed in the Conneaut Municipal Court charging Stanis with three counts: misconduct at an emergency, in violation of Conneaut Mun.Ord. 509.05(a)(3), a first-degree misdemeanor (“Count 1”); obstructing official business, in violation of Conneaut Mun.Ord. 525.07(a), a second-degree misdemeanor (“Count 2”); and resisting arrest, in violation of Conneaut Mun.Ord. 525.09(a), second-degree misdemeanor. Stanis pleaded not guilty to the charges and proceeded to trial by jury.

{¶8} At the conclusion of the jury trial, the jury found Stanis guilty on Count 1 but acquitted him on Counts 2 and 3. The trial court sentenced Stanis to a suspended 180-day term of incarceration, a supervised three-year term of community control, a \$750 fine, court costs and a mental illness evaluation to be conducted within 30 days of sentencing.

The Appeal

{¶9} On Appeal, Stanis raises the following two assignments of error for review:

[1.] The [City of Conneaut] failed to produce legally sufficient evidence to sustain a conviction on count one.

[2.] [Stanis’s] conviction on count one is against the manifest weight of the evidence.

{¶10} In his two assignments of error, Stanis argues that the City did not prove its misconduct at an emergency case beyond a reasonable doubt as the City did not present sufficient evidence that an emergency existed to sustain Stanis’s conviction, and that the situation had stabilized.

{¶11} Where an appellant challenges both the sufficiency and the manifest weight of the State’s evidence, the appellate court need only address the manifest weight argument. *State v. Dykes*, 2023-Ohio-4378, ¶ 6 (11th Dist.), quoting *State v. Masters*, 2020-Ohio-864, ¶ 17 (11th Dist.). The determination that a verdict is not against the manifest weight necessarily includes a finding that the conviction was supported by sufficient evidence. *Id.* Thus, we address Stanis’s arguments together.

{¶12} “[W]eight of the evidence addresses the evidence’s effect of inducing belief.” *State v. Wilson*, 2007-Ohio-2202, ¶ 25, citing *State v. Thompkins*, 1997-Ohio-52, ¶ 24. “The court reviewing the entire record, weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in evidence, the [factfinder] clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered.” *Thompkins* at ¶ 25, quoting *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983). “When a court of appeals reverses a judgment of a trial court on the basis that the verdict is against the weight of the evidence, the appellate court sits as a “thirteenth juror” and disagrees with the factfinder’s resolution of the conflicting testimony.” *Id.*, quoting *Tibbs v. Florida*, 457 U.S. 31, 42 (1982). “The discretionary power to grant a new trial should be exercised only in the exceptional case in which the evidence weighs heavily against the conviction.” *Id.*, quoting *Martin* at 175.

{¶13} “The choice between credible witnesses and their conflicting testimony rests solely with the finder of fact and an appellate court may not substitute its own judgment for that of the finder of fact.” *State v. Awan*, 22 Ohio St.3d 120, 123 (1986); accord *State v. Huertas-Alicia*, 2024-Ohio-2214 (11th Dist.). Additionally, “[a]ppellate courts ‘should not reverse a decision simply because it holds a different opinion concerning the credibility of the witnesses and evidence submitted before the trial court....’” *Stiles v. Bugno*, 2024-Ohio-1262, ¶ 82 (7th Dist.), quoting *Seasons Coal Co. v. City of Cleveland*, 10 Ohio St.3d 77, 81 (1984). “It is well established that the jury is in the best position to weigh the evidence placed before it.” *State v. Dubois*, 2024-Ohio-6115, ¶ 77 (11th Dist.).

Misconduct at an Emergency

{¶14} Stanis argues that the City did not adequately prove that the situation was an “emergency” as “the situation had stabilized.” We disagree. Stanis was convicted of misconduct at an emergency in violation of Conneaut Mun.Ord. 509.05(A) which provides:

- (a) No person shall knowingly do any of the following:
 - (1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person, engaged in the person’s duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;
 - (2) Hamper the lawful activities of any emergency facility person who is engaged in the person’s duties in an emergency facility;
 - (3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer’s duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

{¶15} The parties acknowledge that the ordinance does not explicitly define “emergency,” nor does R.C. 2917.13, the analogous state statute. Where a statutory term is undefined, this court applies the term’s “common[,] everyday meaning of those words . . .” *Conneaut v. Riley*, 2025-Ohio-1705, ¶ 18 (11th Dist.); accord *Carter v. Reese*, 2016-Ohio-5569, ¶ 59 (O’Connor, C.J., dissenting) (“[B]ecause the term “emergency ” in R.C. 2917.13(A)(1) is undefined by statute, the term is given its common, everyday meaning.”).

{¶16} The Supreme Court of Ohio has defined “emergency” as an “unforeseen combination of circumstances or the resulting state that calls for immediate action.” *Carter* at ¶ 31, quoting *Webster’s Third New International Dictionary* 27 (1986) at 741. Case law interpreting the legislative intent behind R.C. 2917.13 reveals the reasoning for such a broad construction for the term “emergency.”

The Legislative Service Commission’s Note about this offense explained that this section is “aimed primarily at controlling bystanders and curiosity seekers at emergency scenes, in order to permit police, fire brigades, rescue and medical personnel, and others, to perform their duties with the utmost efficiency at such times.” The offense is described as “a specific tool for crowd control at emergencies” but the offense “need not necessarily arise from the collective conduct of a crowd but may be committed by one person.” The Note sets forth an example of “one who simply gets underfoot at an emergency and is consciously aware he is doing so [is guilty of a violation of the section.”If he is at first unaware that he is in the way, but then ignores the reasonable order of a policeman to move along, he is also guilty of the violation.] R.C. 2917.13, Legislative Service Commission Note (1973).

Parma v. Odolecki, 2017-Ohio-2979, ¶ 50 (8th Dist.), quoting *State v. Bryant*, 2011-Ohio-4555, ¶ 22 (9th Dist.).

{¶17} In other words, “the purpose of the statute is to ‘give law enforcement the power to exercise extraordinary control over the public.’” *Odolecki* at ¶ 52, quoting *Kinzer v. Schuckmann*, 850 F.Supp.2d 785, 794 (S.D. Ohio 2012). “Therefore, ‘a measure of

deference' is owed to an officer's assessment of danger to bystanders and discerning impediment to efforts and safety of the officers attempting to manage the situation." *Id.* Accordingly, law enforcement is granted with the statutory authority to protect the public and first responders attending to the emergency.

{¶18} Here, the CPD and CFD responded to a call stating the roof at 183 Wrights Avenue had collapsed. A collapsing roof poses many possible dangers to the structure and those within the surrounding area. Ashtabula's Board of Commissioners determined the property to not only be unsafe but also "dangerous to human life" and "a serious hazard." A rational juror hearing this evidence could conclude that a roof is "an unforeseen combination of circumstances or the resulting state that calls for immediate action." *Carter*, 2016-Ohio-5569 at ¶ 31, quoting *Webster's Third New International Dictionary* 27 (1986) at 741. Therefore, the roof collapsing constituted an emergency as defined.

{¶19} Gas and electric companies were notified to disconnect these utilities as they had the possibility to escalate the situation further. Captain Gardner of the CFD stated that if the walls were to collapse, active electricity would have posed a fire hazard. Caution tape was placed around the perimeter, and Stanis and his neighbors were notified of the structure possibly collapsing. According to the testimony given by officers of the CPD and CFD as well as outlined by the Planning and Zoning Department Emergency Abatement Notice, an emergency was evident.

{¶20} Stanis repeatedly ignored warnings to stay off the property for his safety and repeatedly refused to descend from the structure after numerous instructions to do so. Recognizing that "a measure of deference' is owed to an officer's assessment of danger to bystanders and discerning impediment to efforts and safety of the officers

attempting to manage the situation,” a rational juror could have concluded that the scene was an emergency. *Odolecki*, 2017-Ohio-2979 at ¶ 52 (8th Dist.), quoting *Schuckmann* 850 F.Supp.2d at 794. The circumstances in this case certainly qualified as an emergency.

{¶21} Accordingly, we do not find the jury’s apparent conclusion that a collapsed roof constitutes an emergency to be a manifest miscarriage of justice warranting a new trial, nor do we find the evidence insufficient as a matter of law.

Conclusion

{¶22} For the reasons set forth above, the judgment of the Conneaut Municipal Court is affirmed.

JOHN J. EKLUND, J.,

EUGENE A. LUCCI, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this court, appellant's assignments of error are without merit. It is the judgment and order of this court that the judgment of the Conneaut Municipal Court is affirmed.

Costs to be taxed against the appellant.

JUDGE ROBERT J. PATTON

JUDGE JOHN J. EKLUND,
concur

JUDGE EUGENE A. LUCCI,
concur

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.