

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
BUTLER COUNTY

STATE OF OHIO,	:	CASE NO. CA2026-02-018
Appellee,	:	
vs.	:	<u>OPINION AND</u>
	:	<u>JUDGMENT ENTRY</u>
TIEYON E. RAMSEY,	:	9/28/2026
Appellant.	:	
	:	

CRIMINAL APPEAL FROM MIDDLETOWN MUNICIPAL COURT
Case No. CRB 2502662

Michael T. Gmoser, Butler County Prosecuting Attorney, and Zachary A. Barnhart, Assistant Prosecuting Attorney, for appellee.

Christopher P. Frederick, for appellant.

OPINION

SIEBERT, J.

{¶ 1} Appellant, Tieyon Ramsey, appeals his conviction in the Middletown Municipal Court for one count of assault. Ramsey argues that the evidence was insufficient to support his conviction and that the conviction was against the manifest

weight of the evidence. After reviewing the record, we find that sufficient evidence supported the conviction and that the municipal court did not clearly lose its way in finding Ramsey guilty. Therefore, we overrule his assignments of error and affirm.

Facts and Procedural History

{¶ 2} On October 31, 2025, officers with the Middletown Police Department responded to a report of a disturbance involving a man and a woman at an apartment complex on Carolina Street in Middletown, Ohio. Upon arriving at the scene, officers encountered a woman, "Kate," who appeared visibly intoxicated and distraught. Kate acknowledged that she had argued with Ramsey but initially declined to provide details. She instead indicated that she was only concerned with getting her keys back and wanted to leave.

{¶ 3} Officers then spoke with Ramsey, who denied that any argument or disturbance had occurred. While officers spoke with Ramsey, Kate approached and stated that if Ramsey did not return her keys, she would tell the officers "what really happened." Kate then reported that Ramsey had grabbed her by the hair, swung her around the apartment complex's parking lot, and grabbed her by the neck. Kate had observable red marks on both sides of her neck at that time, consistent with her account and indicative of force or pressure having been applied to the area.

{¶ 4} Officers subsequently arrested Ramsey, who was charged with one count of assault. The matter proceeded to a bench trial. At trial, Kate acknowledged giving multiple, inconsistent accounts of what had happened between her and Ramsey. Additionally, although she admitted telling officers that Ramsey had assaulted her, Kate testified that those statements were false and maintained that no physical altercation had occurred.

{¶ 5} The State presented the testimony of Officer Aiden Bullard, one of the

responding officers. Officer Bullard testified that when he arrived, Kate appeared intoxicated and distraught and initially denied that any physical altercation had occurred. He further testified that Kate later reported that Ramsey had assaulted her in the apartment complex's parking lot by grabbing her hair and neck. The incident reportedly ended when a neighbor came outside and yelled at Ramsey to stop, prompting Ramsey to return to the apartment. Officer Bullard also testified that he observed red marks on both sides of Kate's neck consistent with pressure or force having been applied to the area.

{¶ 6} Following the presentation of the State's evidence, Ramsey moved for a judgment of acquittal pursuant to Crim.R. 29. The municipal court denied the motion, found Ramsey guilty of assault, and imposed a suspended 180-day jail sentence. The court also placed Ramsey on probation. Ramsey now appeals, raising two assignments of error.

Appeal

{¶ 7} Ramsey raises two assignments of error challenging the sufficiency and manifest weight of the evidence supporting his conviction. Both assignments stem from the conflict between Kate's statements to police on the night of the incident and her subsequent recantation at trial. Neither assignment of error has merit.

Sufficiency of the Evidence

{¶ 8} In his first assignment of error, Ramsey argues that the trial court erred in denying his Crim.R. 29(A) motion for acquittal because the State presented insufficient evidence to support his assault conviction.

{¶ 9} The standard of review for a denial of a Crim.R. 29(A) motion for acquittal is the same as the standard of review for a sufficiency of the evidence claim. *State v. Robinson*, 2015-Ohio-4533, ¶ 37 (12th Dist.). When reviewing the sufficiency of the

evidence underlying a criminal conviction, an appellate court examines the evidence to determine whether such evidence, if believed, would convince the average mind of the defendant's guilt beyond a reasonable doubt. *State v. Intihar*, 2015-Ohio-5507, ¶ 9 (12th Dist.). 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." *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus. This test "requires a determination as to whether the state has met its burden of production at trial." *State v. Boles*, 2013-Ohio-5202, ¶ 34 (12th Dist.).

{¶ 10} Ramsey was convicted of assault in violation of Middletown Codified Ordinance 636.02(A), which prohibits a person from knowingly causing or attempting to cause physical harm to another. As noted above, to support Ramsey's conviction, the State presented evidence that Kate had reported to Officer Bullard that Ramsey grabbed her by the hair, swung her around the parking lot of the apartment complex, and forcefully grabbed her by the neck until a neighbor intervened. The State also presented evidence from Officer Bullard, who testified that he observed red marks on both sides of Kate's neck that appeared consistent with force or pressure having been applied to the area.

{¶ 11} Ramsey's sufficiency argument rests primarily on Kate's trial testimony, in which she recanted her prior allegations and denied that any assault occurred. However, a sufficiency review does not require this court to assess witness credibility or resolve conflicts in the evidence. *State v. Yarbrough*, 2002-Ohio-2126, ¶ 79. Rather, the relevant question is whether the evidence presented by the State, if believed, was sufficient to prove the elements of the offense.

{¶ 12} Here, Kate's statements to police, together with Officer Bullard's observations of the marks on her neck, constituted evidence from which a rational trier of

fact could conclude that Ramsey knowingly caused or attempted to cause physical harm. Kate's subsequent recantation does not render the State's evidence legally insufficient; rather, it created a credibility issue for the trier of fact to resolve. See *State v. Kelly*, 2006-Ohio-5902, ¶ 31 (8th Dist.) (recognizing that a trier of fact may consider a recantation of abuse as dubious in light of other evidence of physical abuse). Viewing the evidence in the light most favorable to the State, a rational trier of fact could have found all elements of assault proven beyond a reasonable doubt.

{¶ 13} Accordingly, the municipal court did not err in denying Ramsey's Crim.R. 29 motion for acquittal, and Ramsey's first assignment of error is overruled.

Manifest Weight of the Evidence

{¶ 14} In his second assignment of error, Ramsey argues that his conviction is against the manifest weight of the evidence.

{¶ 15} A manifest weight of the evidence challenge examines the "inclination of the greater amount of credible evidence, offered at a trial, to support one side of the issue rather than the other." *State v. Barnett*, 2012-Ohio-2372, ¶ 14 (12th Dist.). To determine whether a conviction is against the manifest weight of the evidence, this court must review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and 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. *State v. Wilks*, 2018-Ohio-1562, ¶ 168. While a manifest weight of the evidence review requires this court to evaluate credibility, the determination of witness credibility is primarily for the trier of fact to decide. *State v. Baker*, 2020-Ohio-2882, ¶ 30 (12th Dist.). This court will overturn a conviction on manifest weight of the evidence grounds only in extraordinary circumstances when the evidence presented at trial weighs heavily in favor of acquittal. *State v. Morgan*, 2014-

Ohio-2472, ¶ 34 (12th Dist.).

{¶ 16} Ramsey contends that his conviction is against the manifest weight of the evidence because Kate recanted her allegations at trial and acknowledged providing inconsistent accounts of the incident. The municipal court expressly recognized those inconsistencies, observing that there had been "a lot of flip flopping." Nevertheless, the court was not required to accept Kate's trial testimony over her earlier statements.

{¶ 17} The municipal court was entitled to find Kate's initial statements to police more credible than her subsequent recantation, particularly when considering those statements were corroborated by Officer Bullard's trial testimony regarding the marks that he observed on her neck. In fact, when explaining its decision, the municipal court specifically stated that it believed Officer Bullard's testimony regarding the marks that he observed on Kate's neck. As the trier of fact, the municipal court was in the best position to assess the witnesses' credibility and determine the weight to afford their testimony. *State v. Erickson*, 2015-Ohio-2086, ¶ 42 (12th Dist.).

{¶ 18} The municipal court's decision to credit the State's evidence over Kate's trial testimony does not render the conviction against the manifest weight of the evidence. *See State v. Crossty*, 2017-Ohio-8267, ¶ 68 (12th Dist.). Upon reviewing the entire record, we find that the municipal court did not clearly lose its way in resolving the conflicting evidence presented at trial. The court reasonably could have concluded that Kate's statements on the night of the incident, corroborated by Officer Bullard's observations, were more reliable than her subsequent recantation. Therefore, given the testimony and evidence presented at trial, this is not the exceptional case in which the evidence weighs heavily in favor of acquittal.

{¶ 19} Accordingly, Ramsey's conviction is not against the manifest weight of the evidence, and Ramsey's second assignment of error is also overruled.

Conclusion

{¶ 20} Having overruled both of Ramsey's assignments of error, we affirm the municipal court's judgment.

{¶ 21} Judgment affirmed.

PIPER, P.J., and M. POWELL, J., concur.

JUDGMENT ENTRY

The assignments of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, affirmed.

It is further ordered that a mandate be sent to the Middletown Municipal Court for execution upon this judgment and that a certified copy of this Opinion and Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed in compliance with App.R. 24.

/s/ Robin N. Piper, Presiding Judge

/s/ Mike Powell, Judge

/s/ Melena S. Siebert, Judge