[Cite as *State v. Barnett*, 2026-Ohio-4532.]

IN THE COURT OF APPEALS

TWELFTH APPELLATE DISTRICT OF OHIO

BUTLER COUNTY

STATE OF OHIO,	:	
		CASE NO. CA2026-05-057
Appellee,	:	
		OPINION AND
vs.	:	JUDGMENT ENTRY
		11/16/2026
JAMES BARNETT,	:	
Appellant.	:	
	:	

CRIMINAL APPEAL FROM HAMILTON MUNICIPAL COURT
Case No. CRB2502822

City of Hamilton Law Department, and Brian K. Harrison, for appellee.

Engel & Martin, LLC, and Josh A. Engel, for appellant.

O P I N I O N

PIPER, J.

{¶ 1} Appellant, James Barnett, appeals his conviction for one count of domestic violence, a first-degree misdemeanor, in the Hamilton Municipal Court following a bench trial. For the reasons set forth below, we affirm.

I. Factual and Procedural Background

{¶ 2} James Barnett and Jamie Egelston began dating around December 2020 and lived together intermittently. For several months, Barnett lived with Jamie, her son, and her mother, Sue Egelston, at Sue's residence at 765 Ridgewood Avenue in Hamilton.

{¶ 3} On December 18, 2025, Barnett and Jamie argued after Barnett asked Jamie to "do something" or "go somewhere" and she refused. Jamie testified that Barnett became angry and threw an orange prescription-medicine bottle from approximately three or four feet away, striking the right side of her face. According to Jamie, the bottle caused no significant injury. Jamie further testified that she became angry, stood up, and began exchanging open-handed smacks with Barnett. Although she could not recall who initiated the exchange or how many times Barnett struck her, Jamie maintained that he slapped her at least once. Jamie acknowledged that she also struck Barnett at least once. She stated that neither participant used a closed fist and that she did not notice whether the slapping left a mark.

{¶ 4} Jamie testified that Sue, who was already in the house, intervened by attempting to pull Barnett away from Jamie and out of the room by his jacket. Barnett offered a different account, testifying that his dispute with Jamie remained entirely verbal and that, while he was sitting on a couch, Sue approached him, placed her hands around his throat, squeezed, and told him to leave. Barnett maintained that he did not resist Sue physically and that the only physical confrontation was between him and Sue. He denied throwing a medicine bottle at Jamie or otherwise striking, touching, or slapping her.

{¶ 5} Barnett called 9-1-1 and then waited in Sue's truck for the police to arrive. Jamie later called 9-1-1 again because the police were taking too long to respond. Officers Noah Banks and Joseph Johnson responded to the residence for an active domestic dispute, and Officer Lagedrost arrived later. Barnett told Officer Johnson that Sue had

assaulted him after he and Jamie argued and Sue and Jamie attempted to push him out of the house.

{¶ 6} Photographs taken that day depicted scratches on both sides of Barnett's neck, and Officer Johnson confirmed that they accurately reflected Barnett's condition. Barnett attributed the scratches to Sue and had given Officer Johnson the same explanation at the scene. Sue was not present when officers arrived, neither responding officer interviewed her, and Officer Johnson knew of no subsequent follow-up interview.

{¶ 7} Officer Banks testified that he observed redness on the left side of Jamie's face before Barnett's arrest. Banks acknowledged, however, that his report incorrectly placed the redness on the right side, which he attributed to describing the side from his own perspective rather than Jamie's. Officer Johnson testified that he observed no visible injury on Jamie at the scene. Officer Lagedrost photographed Jamie after Barnett's arrest, approximately twenty to thirty minutes after officers arrived. Although Banks initially identified an area near Jamie's jawline in one photograph, he ultimately agreed on cross-examination that he did not observe red marks on either cheek in the photographs. Jamie testified that the photographs accurately depicted her face following the incident.

{¶ 8} After conferring, Officers Banks and Johnson determined that Barnett was the primary aggressor and arrested him. Jamie began preparing a written statement but, after seeing Barnett in handcuffs, told an officer that she did not wish to proceed; according to Jamie, the officer responded that it was too late because Barnett had already been handcuffed.

{¶ 9} Barnett was charged with domestic violence under R.C. 2919.25(A) and assault under R.C. 2903.13(A), both arising from the December 18 incident. The assault charge was nolled at the prosecution's request on February 18, 2026. The domestic-violence charge proceeded to a bench trial on March 18, 2026. At the close of the State's

evidence, the trial court denied Barnett's motion for acquittal, finding the evidence sufficient when construed against him.

{¶ 10} The trial court identified the central issue as the credibility of Jamie's and Barnett's conflicting accounts. The trial court credited Jamie's testimony because she appeared to minimize Barnett's conduct and to be attempting to help him, yet consistently maintained that he had slapped her. The trial court found Barnett's contrary testimony not credible. The trial court found Barnett guilty of domestic violence and imposed a 180-day jail sentence, credited Barnett with 15 days served, suspended the remaining 165 days, and ordered two years of community control, continued treatment, and no contact with Jamie.

{¶ 11} Barnett timely appealed and now raises one assignment of error for our review.

II. Legal Analysis

{¶ 12} Assignment of Error:

> THE CONVICTION WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.

{¶ 13} In his single assignment of error, Barnett asserts his conviction for domestic violence was against the manifest weight of the evidence. Barnett argues Jamie's testimony was not credible because she could not say how many times she was struck, could not say who struck first, and admitted she did not want Barnett arrested. Barnett further argues that the only other witness who claimed to have observed any injury on Jamie's face was Officer Banks, but his testimony is not credible because his contemporaneous written report placed the injury on the wrong side of Jamie's face, and on cross-examination he could not locate the injury on the photographs taken by Officer Lagedrost. We disagree with Barnett's assessment of the evidence and find that the

manifest weight of the evidence supported his conviction.

{¶ 14} 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, the reviewing court must look at the entire record, weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether in resolving the 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. Miller*, 2021-Ohio-162, ¶ 13 (12th Dist.). This court will overturn a conviction on manifest-weight grounds "only in extraordinary circumstances when the evidence presented at trial weighs heavily in favor of acquittal." *State v. Kaufhold*, 2020-Ohio-3835, ¶ 10 (12th Dist.).

{¶ 15} It is well established "[a] conviction is not against the manifest weight of the evidence merely because there is conflicting evidence before the trier of fact or because the trier of fact believed the testimony of the state's witnesses." *State v. MacPhereson*, 2024-Ohio-5359, ¶ 21 (12th Dist.). The trier of fact is free to believe all, part or none of the testimony offered by each of the witnesses who appeared before it. *State v. Eads*, 2025-Ohio-2815, ¶ 11 (12th Dist.). This is because "the decision whether, and to what extent, to credit the testimony of particular witnesses is within the peculiar competence of the factfinder, who has seen and heard the witness." *State v. Bedsole*, 2022-Ohio-3693, ¶ 35 (12th Dist.).

{¶ 16} We find the trial court properly considered the testimony and was able to resolve any inconsistencies. Despite the fact Jamie did not want Barnett arrested, Jamie consistently maintained that she was struck at least once, and Officer Banks observed a mark on her face when he arrived at the scene. Only one strike was necessary to establish

Barnett caused physical harm to her, and her inability to quantify possible additional strikes does not negate her testimony. Moreover, the fact that Jamie did not want Barnett arrested does not negate the physical harm he caused. Although Officer Banks' report placed the mark on the wrong side of Jamie's face, he explained that he had confused his own left and right with Jamie's. And, although Officer Banks could not locate the mark on the photographs taken by Officer Lagedrost, these were taken some time after Banks made his observations of Jamie and placed Barnett under arrest. It is possible the mark Banks observed had faded by the time the photo was taken. Ultimately, the trial court was permitted to make its own reasonable inferences and choose which testimony to believe. This is not an extraordinary case where the evidence weighs heavily in favor of acquittal.

III. Conclusion

{¶ 17} We find the trial court did not clearly lose its way in weighing the evidence and assessing the testimony of the witnesses. Barnett's conviction is not against the manifest weight of the evidence. His single assignment of error is overruled.

{¶ 18} Judgment affirmed.

HENDRICKSON, P.J. and DONOVAN, J., concur.

Donovan, J., retired, of the Second Appellate District, sitting by assignment of the Chief Justice, pursuant to Section 6(C), Article IV of the Ohio Constitution.

JUDGMENT ENTRY

The assignment 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 Hamilton 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/ Robert A. Hendrickson, Presiding Judge

/s/ Robin N. Piper, Judge

/s/ Mary E. Donovan, Judge