

**IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
UNION COUNTY**

STATE OF OHIO,

CASE NO. 14-25-46

PLAINTIFF-APPELLEE,

v.

JOSHUA J. VARBLE,

**OPINION AND
JUDGMENT ENTRY**

DEFENDANT-APPELLANT.

**Appeal from Marysville Municipal Court
Trial Court No. CRB 2500271B**

Judgment Affirmed

Date of Decision: October 13, 2026

APPEARANCES:

William T. Cramer for Appellant

Gregory S. Peterson for Appellee

WILLAMOWSKI, J.

{¶1} Defendant-appellant Joshua J. Varble (“Varble”) appeals the judgment of the Marysville Municipal Court, arguing that his conviction is against the manifest weight of the evidence and that his right of confrontation was violated. For the reasons set forth below, the judgment of the trial court is affirmed.

Facts and Procedural History

{¶2} By 2025, Varble had spent around nineteen years in law enforcement and had two children with his wife, C. In November of 2024, C. moved out of the marital residence after she had asked Varble for a divorce. C. testified that Varble subsequently sent her a lot of “happy text messages” that were “positive.” (Oct. 30 Tr. 43). But on February 7, 2025, Varble filed for a divorce. C. testified that the tone of Varble’s communications with her began to change after she started dating another person in March of 2025.

{¶3} C. reported that, on March 16, 2025, she found out that a person she had been dating was receiving text messages from Varble, even though she had not told Varble that she was seeing someone. C. testified that, when she communicated with Varble, he told her that he had driven by her new residence and “was looking for cars that he hadn’t seen before. . . .” (Oct. 30 Tr. 45). Varble admitted at trial that he saw a vehicle that he did not recognize and found the information on C.’s date

by searching the vehicle's license plate number. He then stated that he "confronted her" about this visitor.

{¶4} On March 17, 2025 at around 10:29 P.M., Varble began to send a series of text messages to C. She testified that she answered "a few of them in the beginning to try to . . . calm things down" but then stopped responding. (Oct. 31 Tr. 47). After she went to bed, she woke up to find that she had seventy unread messages from Varble. The texts included the following messages:

[Varble:] I want you to really really really enjoy the life your mom had, because that's what you want! Now you get it!

[Varble:] I'll have your kids visit your grave at 50

(Ex. 1). C. testified at trial, that her mother died at the age of fifty-two and that she interpreted this message as him wanting her to "have an early death." (Oct. 30 Tr. 55). He then texted the following messages:

[Varble:] Rachel Sloan saved my life

[Varble:] Check out her videos. Might give you some clarity. May be helpful. Goodbye

...

[Varble:] She saved my life. Damn I needed this.

[Varble:] Because my wife [C.] let me down. She tried to kill me. But this woman saved my life.

...

[Varble:] But here's the end all be all, be all... I do not love you anymore. GET OUT OF MY LIFE AND DO NOT EVER EVEN

THINK ABOUT ME AGAIN. THIS IS OVER. DO NOT TELL ME YOU'RE SORRY. I DO NOT CARE. YOU'RE NOT SORRY. DISAPPEAR. LET ME RAISE THE KIDS. FALL OFF THE EARTH. NO ONE WILL CARE.

...

[Varble:] Go away. Die in a hole. I don't care . . . I am happy to independently raise our kids without you. In fact, I would prefer it that way.

...

[Varble:] Btw, I'm gonna go out with Ethan and have a beer. Just thought I'd let you know for transparency.

[Varble:] You know, your husband is going to go out with your lover and have some drinks and talk sh*t about this trashy girl C[]. Just being transparent. She's always doing the right thing!

...

[Varble:] . . . I chose a woman that would end up torturing me and leaving me for dead, with full intention of taking my children.

[Varble:] Let me tell you now. I will fight until my dying breath to keep you from them. These are my kids. They will have values, morals, and ethics. And if you stand in the way, I will crush you into the dirt.

[Varble:] I will crush you. I will destroy you if you try to take my children. You are literal trash. I am going to give them a good life. stay out of it and you can have them half the time.

...

[Varble:] I AM TAKING BACK MY CHILDREN. And if you stand in the way, I will crush you

[Varble:] They are going to have a good life without you in it

...

[Varble:] I can't even begin to express how much I hate you . . . C[.].
But you'll soon find out

[C.]: *Please stop texting me*

...

[Varble:] Welcome to divorce when you are a guilty party. Get ready.
Aka "buckle up"

...

[Varble:] Did you sleep with anyone during our separation?

[Varble:] ?!!!!?!!!

[Varble:] I know you're asleep so you won't respond. . . .

(Emphasis added.) (Ex. 1). C. woke up and found around seventy unread messages on her phone. She later testified that she became fearful because "he had just stalked . . . [her] home two days beforehand and admittedly ran license plates." (Oct. 30 Tr. 61).

{¶5} C. then called the police at roughly 2:00 A.M. She was still receiving texts from Varble when Officer Adam Bell ("Officer Bell") of the Marysville Police Department arrived at her residence. C. then filed a police report. Altogether, Varble had sent her around 134 text messages after she had stopped actively participating in the conversation.

{¶6} C. testified that she then consulted with her attorney and filed for a civil protection order. However, this civil protection order was denied. But after this

incident, Varble apologized; explained that he was venting through these text messages; and asked her not to file charges. On the recommendation of their divorce attorneys, C. and Varble began to use AppClose to discuss matters related to parenting their children. C. testified that communication with Varble remained constructive through the end of March.

{¶7} On April 10, 2025 at 10:58 P.M., Varble texted C. about when he could pick up the children. C. testified that she was asleep at this time and that Varble then began to send message after message to her. These texts included the following messages:

[Varble:] Cheers to me. I did nothing wrong. I tried to right everything. And I'll be rewarded for it. And you'll be humiliated, and rightfully so, for the things you've done.

...

[Varble:] Welcome to divorce. It's where I call out the sh*t that you have done, and you keep whining about me talking on the phone with other women a decade ago. Who spreaded their legs? I'm guessing, just a guess, it was C[.]

[Varble:] How about telling everyone at work what you've been up to? Tell them your garbage husband was abusing you, giving you a black eye while you were trying to support your family. Or tell them the truth. You're just a whore. Nothing but a ratty whore. And you left your husband for no other reason. Abandoning him for some fantasy concocted by another whore. What about your children C[.]? What about your responsibilities C[.]? Ah sh*t. they don't matter. As long as I get that dick in me!

(Ex. 3). After receiving twenty-seven unanswered texts from Varble, C. sent him this message: “This is harassment. Please do not contact me regarding anything other than our children or the sale of the house.” (*Id.*).

{¶8} On April 12, 2025, C. traveled to a local address to purchase a lawnmower that was advertised on Facebook marketplace. During a call later that day, Varble asked why she was visiting Brandon’s house. C. eventually realized that Varble was talking about the person who sold her the lawnmower. Varble then informed her that he had been tracking her whereabouts using the shared location feature on their daughter’s phone.

{¶9} On April 13, 2025 at 11:18 P.M., Varble began sending a series of fifty text messages to C. while she was in bed. He also attempted to call her seven times after 2:30 A.M. Varble’s texts contained the following messages:

[Varble:] YOU ARE THE CHEATER

[Varble:] YOU ARE THE UNFAITHFUL

[Varble:] YOU ARE THE SINNER

[Varble:] YOU ARE THE ONE THAT DESTROYED OUR WEDDING VOWS

[Varble:] You are the one that destroyed our family’s future. You C[. Only you.

(Ex. 3). When C. woke up and saw these texts at roughly 2:39 A.M., she sent him this message: “Stop texting and calling me unless it’s about the kids. I have to work

in a few hours.” (Ex. 3). But beginning at 2:40 A.M., Varble contacted her another thirty-three times.

{¶10} In response, C. called the police and filed another police report with Officer Bell. On April 15, 2025, Officer Bell spoke with Varble on the phone and had a conversation with him that included the following statements:

[Officer Bell:] Man, I’m just wondering, what’s—what’s going on with you?

[Varble:] Um, what—what do you mean?

[Officer Bell:] Continuing to text C[] when she says to stop. Hundreds of messages through the court-appointed app. I’m just wondering what’s going on.

[Varble:] I mean, nothing’s going on. It’s a tumultuous divorce.

[Officer Bell:] Right. But you being a former cop, you know that that’s telecommunications harassment.

[Varble:] Yep. I understand.

[Officer Bell:] And she wants to press charges.

[Varble:] Well, um, yeah. That’s her right to do so.

(Ex. 19). On April 17, 2025, Varble was charged with telecommunications harassment in Case No. 25-CRB-167 and was released on his own recognizance. In this prior criminal case, the trial court issued a no contact order on April 17, 2025 that prohibited Varble from contacting C. directly or indirectly on any matter that was unrelated to parenting their children.

{¶11} On April 18, 2025 at 3:34 A.M., Varble sent an email to C.'s workplace account. C. later testified that she had blocked him on her personal email account. At trial, Varble admitted that he sent the email to C.'s work address because he knew she had blocked him from her personal email account. After C. described this situation to her boss, her employer had security monitor the parking lot when she left work as a precautionary measure. In the spring, C. also installed security cameras around her residence, bought a German shepherd, and purchased a handgun.

{¶12} On April 30, 2025, Varble appeared for a bond review hearing in Case No. 25-CRB-167 to address his violations of the no contact order. At this point, the trial court made the no contact order more stringent. The new "blanket order" prohibited Varble from engaging in any direct or indirect contact with C. where the prior order had permitted him to communicate with her about the children. (Oct. 31 Tr. 118-119).

{¶13} On May 1, 2025, Varble began to text C. again, sending a total of thirty-three messages to her late at night and into the early hours of May 2, 2025. C. testified that these messages were not about the children and were "[h]arassing, derogatory, [and] demeaning." (Oct. 30 Tr. 106). He then sent additional texts on May 3 and May 4, 2025 that included the following messages:

[Varble:] How could you do this to us for what you did? I did nothing wrong, except tried to save my marriage and got played like a fiddle. You did everything wrong, and destroyed lives. Literally, destroyed

them. And you just think that Josh needs to have accountability for being upset about things that would upset any decent person. Your accountability is coming. Your behavior, your actions, your destruction. That's all coming out now.

[Varble:] You said frequently that you didn't want to hurt me. Well you did. Your endless barrage of awful actions against me hurt me more than anyone ever has, or ever will. And it hurt your children, their family, and yourself too. Actions have consequences. Not just for me. For you, too.

[Varble:] You abandoned me and our home, and all of your responsibilities. You turned my children against me for no reason other than your own self interest. You made it so I can't work. You made me handle all of our finances, which you knew was impossible. You strung me along as a backup until you slept with enough guys that you figured you didn't need me. You spent 100k dollars, wasted, down the drain. You humiliated me with stories that you fabricated about abuse. You. You and only you left me for dead. You want to talk about regret? There's only one thing in my life I regret.

(Ex. 8). After receiving twelve text messages, C. contacted Officer Bell to report that Varble was continuing to contact her.

{¶14} On May 6, 2025, Officer Bell spoke with Varble on the phone. During this conversation, the following exchange occurred:

[Officer Bell:] You're gonna get a second charge for telecom harassment.

[Varble:] Okay. Based on?

[Officer Bell:] Based on judge is telling you multiple times to stop contacting her. You're still contacting her. And you're still sending messages.

...

[Varble:] I didn't do anything to this woman other than tell her that she was a whore.

[Officer Bell:] I mean, it does appear that you're sending her hundreds of messages. So.

[Varble:] Yeah. Well. She is my wife.

...

[Officer Bell:] If you're told by a judge that you can only talk on this court appointed app about your children, then you don't send hundreds of messages about calling her a whore. Saying that she cheated on you and a bunch of other stuff, correct?

[Varble:] I mean, I don't believe it is correct because, at the end of the day, you know, you're talking about verbatim law, and I'm talking about natural law. And I mean, it is what it is.

[Officer Bell:] What did you say? Natural law?

...

[Varble:] In the scope of what she did to me, that—I mean—to be very honest with you, like the fact that I simply text messaged her multiple times that she was a whore and a terrible person is really pretty mild considering the circumstances.

[Officer Bell:] It's still against the law.

[Varble:] It might be against the law but, you know, it is what it is.

[Officer Bell:] All right. So are you planning on picking it [the charges] up on Friday?

[Varble:] I will pick it up Friday. Are you sleeping with her?

[Officer Bell:] Am I sleeping with her?

[Varble:] Yeah. Yes.

[Officer Bell:] What kind of question is that?

[Varble:] It's a very realistic question because I have no idea what her mind's at.

(Ex. 20). On May 12, 2025, Varble was charged with telecommunications harassment in Case No. 25-CRB-204 as the result of his continued contact with C. The trial court then set his bond at \$10,000.00. In this process, the trial court issued another no contact order that prohibited Varble from directly or indirectly contacting C.

{¶15} On May 24, 2025, Varble called their family babysitter, Holly Miller ("Miller"), and told her to relay a message to C. Miller testified that Varble told her to let C. know that he was going to put her belongings by the street outside of the marital residence; that a deputy was present to provide supervision; and that she should pick her belongings up by 2:00 P.M. Miller stated that Varble rarely contacted her in this manner and that she relayed this message to C.

{¶16} After C. received this message, she called law enforcement to see if Varble had made arrangements to have a deputy present at the house but found out that no such arrangements had been made. She then asked to have a deputy dispatched to conduct a civil standby. When she arrived at the house, her belongings were not outside. C. testified that she was afraid that he was trying to "lure" her to the house while she was alone. (Oct. 30 Tr. 120).

{¶17} In June 14, 2025, C.'s friend, Cheyanna Powell Ballenger ("Ballenger"), received a text message from Varble that said, "Just tell her to let me go and to let me live my life. It's the least she can do after this and I promise I'll never speak to her again." (Oct. 31 Tr. 42). Ballenger testified that she understood this as an effort to reach C. and sent a screenshot of this message to her.

{¶18} On June 18, 2025, Varble was charged with one count of menacing by stalking in violation of R.C. 2903.211, a first-degree misdemeanor, giving rise to the instant case. A jury trial was held on these charges from October 30-31, 2025. The State called C., Officer Bell, Ballenger, and Miller as witnesses. Varble then testified in his own defense. On October 31, 2025, the jury returned a verdict of guilty on the charge against Varble. The trial court sentenced Varble and issued its judgment entry of sentencing on November 4, 2025.

{¶19} Varble filed his notice of appeal on December 3, 2025 and raises the following two assignments of error:

First Assignment of Error

Appellant's conviction for menacing by stalking was against the weight of the evidence.

Second Assignment of Error

Appellant's confrontation rights were violated when the trial court permitted the victim advocate to shield the complaining witness from view of appellant.

First Assignment of Error

{¶20} Varble argues that his conviction for menacing by stalking was against the manifest weight of the evidence.

Legal Standard

{¶21} “A manifest-weight analysis examines whether the State has carried its burden of persuasion at trial.” *State v. Carroll*, 2024-Ohio-1626, ¶ 58 (3d Dist.). On review, “an appellate court’s function . . . is to determine whether the greater amount of credible evidence supports the verdict.” *State v. Harvey*, 2020-Ohio-329, ¶ 12 (3d Dist.), quoting *State v. Plott*, 2017-Ohio-38, ¶ 73 (3d Dist.).

Appellate courts “must review the entire record, weigh the evidence and all of the reasonable inferences, consider the credibility of witnesses, and determine whether in resolving conflicts in the 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.’”

State v. Schmidt, 2026-Ohio-2678, ¶ 38 (3d Dist.), quoting *Plott* at ¶ 73, quoting *State v. Thompkins*, 78 Ohio St. 3d 380, 387 (1997).

{¶22} The State can establish a conviction for menacing by stalking in violation of R.C. 2903.211(A)(1) by proving that the defendant, “by engaging in a pattern of conduct, knowingly cause[d] another person to believe that the offender will cause physical harm to the other person . . . or cause[d] mental distress to the other person. . . .” In turn, “[a] person acts knowingly, regardless of purpose, when

the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature." R.C. 2901.22(B).

Legal Analysis

{¶23} On appeal, Varble asserts that the manifest weight of the evidence does not support the conclusion that he acted knowingly. In this case, the State introduced hundreds of text messages that Varble sent to C. late at night and into the early hours of the morning on multiple occasions. At trial, Varble admitted that these text messages were degrading, offensive, and harassing. While C. engaged with Varble's texts initially, she testified that she grew fearful as they continued and asked him to stop contacting her.

{¶24} C. eventually sought a civil protection order against Varble that was denied. Varble's testimony indicated that he was aware that she sought a civil protection order. On multiple occasions, C. contacted the police in response to receiving a series of texts from Varble late at night. After two of these occasions, Officer Bell called Varble on the phone and told him that he needed to stop contacting C. During one of these calls, Officer Bell said, "But you being a former cop, you know that that's telecommunications harassment?" (Oct. 30 Tr. 182). In response, Varble said, "Yep. I understand." (*Id.*).

{¶25} At trial, the State introduced records from the prior cases in which Varble was charged with telecommunications harassment. When the first charge was brought against Varble the trial court issued a no contact order that he violated

within twenty-four hours by sending a message to C.'s work email. Varble admitted that he sent this email to C.'s work address because he knew that she had blocked him on her personal email account.

{¶26} After a bond review hearing on this violation, Varble was warned not to contact C. again but engaged in this prohibited behavior within one day of this warning. The evidence indicates that Varble continued to engage in this conduct even as the trial court made the no contact order more stringent; as his bond was increased in response to his continued violations of the no contact order; and as he received additional criminal charges.

{¶27} At trial, Varble affirmed that he “knew these [text messages] were going to upset her when [he] . . . sent them” and that, while he “was doing it,” he “knew” that he was “upsetting her.” (Oct. 31 Tr. 112). He also admitted that he knew that she did not want to receive these messages. Varble then affirmed that he “knew” that C. “was bothered enough” by his conduct that she called law enforcement and that this indicated that she was “pretty upset” by his behavior. (Oct. 31 Tr. 116, 127).

{¶28} Beyond the text messages she received, C. also testified that she discovered Varble had been sending messages to a person who she was dating. Varble then indicated to her that he had obtained this person's contact information by running the plates of a vehicle that he had seen nearby her residence. At trial, Varble admitted that he “confronted” her with the information that he had about her

date and affirmed that he communicated with her about this visitor's vehicle because he "wanted her to know that [he] . . . did that." (Oct. 31 Tr. 100, 106).

{¶29} C. also testified that, on one occasion, she went to a local house to purchase a used lawnmower that had been posted on Facebook marketplace. Varble later questioned her about why she had visited a person named "Brandon." (Oct. 30 Tr. 87). C. testified that, while she did not recognize this name at first, she eventually realized that "Brandon" was the person who sold her the lawnmower. She then discovered that Varble had been tracking her through a location sharing application on her daughter's phone and looked up the contact information of the person whose address she had visited.

{¶30} Further, the family's babysitter, Miller, testified that that Varble asked her to tell C. that he had put her belongings by the street outside his residence and had arranged for law enforcement to be present to supervise the transfer of these items. After receiving this message from Miller, C. contacted law enforcement and found out that Varble had not arranged for a civil standby. C. testified that she feared that this was an attempt to "lure" her to his house. (Oct. 30 Tr. 120). She testified that, after she arranged for a civil standby, she arrived at his residence and found that her possessions were not outside in front of the house.

{¶31} Against this evidence, Varble testified at trial that he did not knowingly cause or attempt to cause C. distress. On direct examination, he affirmed that he did not threaten her with physical harm; that he did not believe that he caused

her mental distress; and that he did not cause her physical harm with his conduct, though he admitted the text messages were degrading and demeaning. He testified that he did not believe that these messages were causing her mental distress because “this is how we had communicated.” (Oct. 31 Tr. 95). However, the jurors, as the finders of fact, were free to believe some, all, or none of his testimony. *State v. Greer*, 2024-Ohio-694, ¶ 27 (3d Dist.).

{¶32} In summary, Varble affirmed that he “knew these [text messages] were going to upset” C. and that the fact that C. involved law enforcement indicated that she was “pretty upset” by his conduct. (Oct. 31 Tr. 112, 127). Nonetheless, he continued to engage in this conduct after he was warned by law enforcement; received multiple criminal charges; had no contact orders issued; and had his bond increased. Having examined the evidence in the record, we find that the jury’s conclusion that Varble acted knowingly was not against the manifest weight of the evidence. Accordingly, the first assignment of error is overruled.

Second Assignment of Error

{¶33} Varble argues that his right of confrontation was violated when the trial court permitted a victim advocate to be in front of him while the victim testified at trial.

Legal Standard

{¶34} The Sixth Amendment to the United States Constitution states that, “[i]n all criminal prosecutions, the accused shall enjoy the right . . . to be confronted

with the witnesses against him. . . .” The Confrontation Clause in the Ohio Constitution states that an accused has the right “to meet the witness face to face.” Ohio Const., Art. I, § 10. The wording of these Confrontation Clauses reflects a clear “*preference* for face-to-face confrontation at trial.” (Emphasis sic.) *State v. Foster*, 2024-Ohio-2924, ¶ 50 (10th Dist.), quoting *Maryland v. Craig*, 497 U.S. 836, 849 (1990).

{¶35} The right of confrontation exists “not for the idle purpose of gazing upon the witness, or of being gazed upon by him, but for the purpose of cross-examination, which cannot be had except by the direct and personal putting of questions and obtaining immediate answers.” *State v. Self*, 56 Ohio St.3d 73, 79 (1990), quoting 5 Wigmore on Evidence (Chabourn Rev. 1974) 150, Section 1395. “The central concern of the Confrontation Clause is to ensure the reliability of the evidence against a criminal defendant by subjecting it to rigorous testing in the context of an adversary proceeding before the trier of fact.” *Maryland v. Craig*, 497 U.S. 836, 849 (1990).

Standard of Review

{¶36} In general, appellate courts apply a de novo standard of review to a trial court’s ruling on a Confrontation Clause issue. *State v. Thomas*, 2020-Ohio-5379, ¶ 15 (3d Dist.). However, if the Defense fails to raise an objection on Confrontation Clause grounds before the trial court, all but plain error is forfeited on appeal. *State v. Jackson*, 2023-Ohio-2193, ¶ 38, 58 (3d Dist.); *Foster* at ¶ 52.

For plain error to apply, the trial court must have deviated from a legal rule, the error must have been an obvious defect in the proceeding, and the error must have affected a substantial right. . . . Under the plain error standard, the appellant must demonstrate that there is a reasonable probability that, but for the trial court's error, the outcome of the proceeding would have been otherwise.

(Citation omitted.) *State v. Bradshaw*, 2023-Ohio-1244, ¶ 21 (3d Dist.). “Plain error is recognized ‘with the utmost caution, under exceptional circumstances and only to prevent a manifest miscarriage of justice.’” *State v. Ginyard*, 2026-Ohio-2241, ¶ 31 (3d Dist.), quoting *State v. Long*, 53 Ohio St.2d 91, 97 (1978).

Legal Analysis

{¶37} On appeal, Varble argues that the presence of a victim advocate in front of him at trial while C. was testifying violated his right to confront the victim in this case. On appeal, the State argues that “a person seated in the courtroom, even between t[w]o other individuals, is not analogous to a visually impenetrable screen.” (Appellee’s Brief, 13). The State also asserts that the record indicates that the victim could see Varble for purposes of identifying him during her testimony and, as a result, indicates that Varble “could see her.” (*Id.*). See also *State v. Moore*, 2007-Ohio-3600, ¶ 17, 22 (3d Dist.).

{¶38} We begin our analysis of these arguments by noting that Varble did not raise an objection to the presence of the victim advocate at trial on the basis of his right of confrontation.¹ *State v. Sibole*, 2018-Ohio-3203, ¶ 9 (2d Dist.); *State v.*

¹ Before C. testified, the Defense objected to the presence of the victim advocate on the grounds that the jurors might perceive that Varble posed “some type of danger here.” (Oct. 30 Tr. 7). The trial court told the

Russell, 2022-Ohio-1746, ¶ 90 (4th Dist.) (applying plain error to a Confrontation Clause issue on appeal because the objection at trial was not related to the defendant’s right of confrontation). Thus, we will review this argument for plain error only.

{¶39} Even if the actions of the victim advocate in this case were inconsistent with the demands of the Confrontation Clause, Varble cannot establish plain error under the facts of this case. At trial, the State introduced copies of the hundreds of text messages that Varble had sent to C. late at night and into the early hours of the morning on multiple occasions. C. testified that she asked Varble to stop sending these messages and called the police on at least three occasions to report his conduct.

{¶40} At trial, Varble admitted that he sent these texts and that the content of his messages was harassing, offensive, demeaning, and degrading. Varble also affirmed that he “knew these [texts] were going to upset” C. at the time he was sending her these messages and that C. had to be “pretty upset” by this conduct to contact law enforcement on multiple occasions. (Oct. 31 Tr. 112, 127). He also admitted that he sent an email to C.’s workplace account because he was aware that she had blocked him on her personal email account.

Defense that it was going to address this issue by referring to the victim advocate as “court personnel” and by explaining that she was performing “a function in the courtroom.” (Oct. 30 Tr. 7-8, 103). The Defense’s objection did not raise the challenge that Varble now asserts on appeal or prompt a ruling from the trial court on Varble’s right of confrontation.

{¶41} The State also introduced records from two prior criminal cases in which Varble had been charged with telecommunications harassment for his repeated contact with C. These records indicated that the trial court had issued no contact orders that addressed Varble's communications with C.; that the trial court had increased his bond after he violated these no contact orders; and that Varble had been charged multiple times for this behavior. However, Varble continued to contact C. directly and indirectly.

{¶42} The State also introduced body camera footage that recorded the conversations that Officer Bell had with Varble. These calls indicated that Varble was aware that he was going to be charged with telecommunications harassment; that he had been asked to stop this behavior; and that a judge had warned him to abide by the no contact order.

{¶43} Further, Varble's testimony indicated that he was aware that C. had sought a civil protection order in response to his conduct. He also acknowledged that he was subject to a no contact order that was issued after he was charged with telecommunications harassment for his conduct. Varble then admitted that he chose to act inconsistently with the no contact on multiple occasions.

{¶44} Beyond his electronic communications with C., Varble also admitted that he went to C.'s residence and ran the license plate number of a person who was visiting her house. He testified that he "confronted" her with this information and affirmed that he communicated with her about the visitor's vehicle because he

“wanted her to know that [he] . . . did that.” (Oct. 31 Tr. 100, 106). C. also testified that she found out that he had been tracking her using a location sharing application on her daughter’s phone.

{¶45} In light of this evidence, Varble has not set forth an argument that suggests a reasonable probability exists that the outcome of this proceeding could have been otherwise if the victim advocate had not been present at trial. Further, we also note that C. was physically present in the courtroom when she testified and was subject to cross-examination. Thus, the Defense and the finders-of-fact had the opportunity to scrutinize her demeanor and voice inflections as she testified and was cross-examined. *See Self*, 56 Ohio St.3d at 79; *Foster*, 2024-Ohio-2924, at ¶ 50 (10th Dist.).

{¶46} In summary, the jury had an abundance of evidence to consider in its deliberations. The jurors and the Defense were also able to view C. as she testified at trial. Thus, even if the placement of victim advocate had violated Varble’s right of confrontation, he has failed to demonstrate that any resulting error rises to the level of plain error. Accordingly, the second assignment of error is overruled.

Conclusion

{¶47} Having found no error prejudicial to the appellant in the particulars assigned and argued, the judgment of the Marysville Municipal Court is affirmed.

Judgment Affirmed

MILLER and WALDICK, J.J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignments of error are overruled and it is the judgment and order of this Court that the judgment of the trial court is affirmed with costs assessed to Appellant for which judgment is hereby rendered. The cause is hereby remanded to the trial court for execution of the judgment for costs.

It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket. *See* App.R. 30.

John R. Willamowski, Judge

Mark C. Miller, Judge

Juergen A. Waldick, Judge

DATED:
/hls