[Cite as *State v. Stevens*, 2026-Ohio-4658.]

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

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**STATE OF OHIO,**

**PLAINTIFF-APPELLEE,**

**v.**

**WILLIAM R. STEVENS,**

**DEFENDANT-APPELLANT.**

**CASE NO. 13-26-11**

**OPINION AND JUDGMENT ENTRY**

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**Appeal from Seneca County Common Pleas Court**
**Trial Court No. 25 CR 0021**

**Judgment Affirmed**

**Date of Decision: November 23, 2026**

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**APPEARANCES:**

***Tyler Naud Jechura*** **for Appellant**

***Dereck W. DeVine*** **for Appellee**

**WILLAMOWSKI, J.**

**{¶1}** Defendant-appellant William R. Stevens ("Stevens") brings this appeal from the judgment of the Court of Common Pleas of Seneca County finding him guilty of felonious assault and obstructing official business and imposing sentence. Stevens claims on appeal that the trial court's verdict was not supported by sufficient evidence and was against the manifest weight of the evidence. For the reasons set forth below, the judgment is affirmed.

**{¶2}** On February 20, 2025, the Seneca County grand jury indicted Stevens on one count of felonious assault in violation or R.C. 2903.11(A)(1), (D)(1)(a), a felony of the first degree, and one count of obstructing official business in violation of R.C. 2921.31(A), (B), a felony of the fifth degree. A jury trial was held on May 19, 2026. During the trial, the State presented the following evidence.

**{¶3}** Sergeant Christopher Weimerskirch ("Weimerskirch") testified that he was employed with the Seneca County Sheriff's Office where he is a supervisor for road patrols. While working on February 5, 2025, Weimerskirch heard a distress call from Deputy Lane Sauber ("Sauber"), who is also his stepson. Sauber was at the county probation office at that time. Sauber called over the radio that he was pursuing someone and was injured. Weimerskirch then went to provide backup for Sauber. When Weimerskirch arrived, Stevens was already in the back of a Tiffin Police Department's patrol car. An ambulance was on the scene and Sauber

indicated he believed his shoulder to be dislocated. Sauber also indicated his right knee was injured. Weimerskirch testified that Sauber appeared to be in extreme pain. Sauber was eventually transported to the hospital for treatment. When Sauber was released from the hospital, he had to go home and was off duty from February 6 to March 11. Sauber returned to work on March 12, but was on light duty until March 24.

**{¶4}** On cross-examination Weimerskirch admitted that it was standard procedure to place anyone injured at work on light duty for a period of time upon their return to work. Weimerskirch also admitted that he had no personal knowledge of what happened because he arrived after Stevens was placed into custody. All of his knowledge of what happened came from what Sauber told him.

**{¶5}** Sauber then testified that he was employed by the Seneca County Sheriff's Office. While working on February 5, 2025, he was dispatched to the adult probation office to arrest Stevens. Sauber arrived and found Stevens was already in handcuffs. Sauber then escorted him to the patrol vehicle. A Tiffin Police Department officer and another deputy walked out with them, but went to their vehicles rather than with him. Sauber patted Stevens down checking for weapons and found nothing. Sauber then opened the door and instructed Stevens to sit in the car. Stevens appeared to be sitting down, but then jumped out of the vehicle. "And then with his head and shoulder, used that force from his body and from the vehicle, slammed into the front of my vest, so my chest area". Tr. 112. Sauber testified that

the air was knocked out of him and he stumbled backwards with a foot hitting the curb. Sauber and Stevens then fell down the hill with Stevens still handcuffed. As they were rolling down the hill, Stevens came down on top of Sauber and Sauber felt his shoulder come out of place. Sauber claims he was in severe pain and was unable to hold on to Stevens. When they reached the bottom of the hill, Stevens stood up and began running away. Sauber commanded him to stop, but Stevens continued running. Sauber gave chase despite being in "a lot of pain". Tr. 114. Sauber testified that his right shoulder had been dislocated and indicated he felt it "pop" out of place. Sauber ran after Stevens until he was close enough to use his taser. The taser was ineffectual because one of the prongs did not make contact. The chase ended when Stevens stopped running. According to Sauber, Stevens jumping into him was not an accident.

**{¶6}** After Stevens was returned to custody, Sauber went to the hospital in an ambulance. Sauber was off work from February 5 until March 12. In the days after the incident, Sauber suffered pain in his shoulder, had limited mobility, and had to use a sling. Sauber was unable to return to regular duty until March 24. To manage the pain, Sauber had to take ibuprofen and Tylenol, which caused him to develop a stomach ulcer. As of the trial, Sauber still felt discomfort in his shoulder from the injury. The body camera footage of the incident was played for the jury.

**{¶7}** On cross-examination Sauber testified that the embankment was steep and muddy. Sauber admitted that his injuries could have been caused by the fall

and that Stevens was also injured. At the hospital, the only pain killer he was given was regular over the counter Tylenol. The hospital visit lasted approximately 90 minutes and he was discharged that same day. Sauber testified that he only went over the curb because of Stevens' actions. According to Sauber, he was able to remove the taser with his left hand because that is how he always removes it.

**{¶8}** After this testimony, the State rested. The defense rested without presenting any evidence. The jury subsequently returned verdicts of guilty on both counts and found that Sauber was a peace officer performing his duty at the time of the offense. The trial court held a sentencing hearing on May 22, 2026. At the hearing, the trial court ordered Stevens to serve an aggregate indefinite sentence of 10 to 15 years in prison. Stevens appealed from this judgment and raised the following assignment of error on appeal.

> **The trial court erred in convicting [Stevens] because the State failed to present sufficient evidence that the victim's injury could be considered "serious physical harm" and [Stevens'] conviction is against the manifest weight of the evidence presented.**

**{¶9}** The sole assignment of error alleges that two things: 1) the conviction is not supported by sufficient evidence and 2) the conviction was against the manifest weight of the evidence. Initially, we note that the arguments raised in the brief only address count 1 of the indictment – the felonious assault charge. No argument is raised concerning count 2 – the obstruction of official business charge.

As no argument is made regarding this conviction, we will not review it. App.R. 18.

**{¶10}** Stevens first argues that the state failed to present sufficient evidence to support a conviction for felonious assault.

> A sufficiency analysis "'determine[s] whether the case may go to the jury or whether the evidence is legally sufficient to support the jury verdict as a matter of law.'" *State v. Thompkins*, [78 Ohio St.3d 380, (1997)], quoting Black's Law Dictionary 1433 (6th Ed.1990). If the state fails to present sufficient evidence on every element of an offense, then convicting a defendant for that offense violates the defendant's right to due process of law. *Id*. at 386-387; see also *Jackson v. Virginia*, [443 U.S. 307, 316, (1979)].

**{¶11}** *State v. Messenger,* 2022-Ohio-4562, ¶ 13. The question of whether the evidence presented at trial is legally sufficient to support a verdict is a question of law and questions the adequacy of the evidence. *State v. Hulbert*, 2021-Ohio-2298, ¶ 5 (3d Dist.). "An appellate court's function when reviewing the sufficiency of the evidence to support a criminal conviction is to examine the evidence admitted at trial to determine whether such evidence, if believed, would convince the average mind of the defendant's guilt beyond a reasonable doubt." *State v. Jenks*, 61 Ohio St.3d 259 (1991) superseded by constitutional amendment on other grounds. Accordingly, "[t]he 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." *Id.* "In deciding if the evidence was sufficient, we neither resolve evidentiary

conflicts nor assess the credibility of witnesses, as both are functions reserved for the trier of fact." *State v. Jones*, 2013-Ohio-4775, ¶ 33 (1st Dist.).In this case, count one charged Stevens with felonious assault in violation of R.C. 2903.11(A)(1), (D)(1)(a). To obtain a conviction on this charge, the State was required to prove that Stevens 1) knowingly 2) caused serious physical harm to Sauber, and 3) that Sauber was a peace officer at the time of the incident. R.C. 2903.11(A)(1), (D)(1)(a). "Knowingly" is defined as when a person, regardless of purpose, "is aware that his conduct will probably cause a certain result or will probably be of a certain nature." R.C. 2901.22(B). "Serious physical harm to persons" is defined in relevant part as follows.

> (c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;
>
> . . .
>
> (e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.

R.C. 2901.01(A)(5). The State argued that Sauber suffered serious physical harm under both subsection c and e.

**{¶12}** Under subsection c, the State argued that Sauber had a temporary, substantial incapacity as a result of his injuries caused by Stevens' actions. An injury results in a temporary substantial incapacity when it significantly impacts one's daily life. *L.F. v. Simpson,* 2026-Ohio-1019 (7th Dist.). The inability to work

for a period of time has been found to be sufficient to prove temporary substantial incapacity under R.C. 2901.01(A)(5)(c). *State v. Miller*, 2023-Ohio-1141 (8th Dist.).

**{¶13}** The State also argued that Sauber suffered serious physical harm under subsection e. "Prolonged or intractable pain" is not defined by statute, one court defined it as "pain which is unbearable or nearly so, though short lived, and pain which is long lasting or difficult to relieve, though not as keen." *State v. White*, 2010-Ohio-2342, ¶ 10 (8th Dist.). "[T]he extent or degree of the injuries is normally a matter of the weight rather than the sufficiency of the evidence." *State v. Irwin*, 2007-Ohio-4996, ¶ 37 (7th Dist.).

**{¶14}** At trial, Sauber testified that at the time of the incident, he was working as a peace officer. Sauber was attempting to put Stevens into the cruiser when Stevens jumped up and deliberately charged at Sauber. As a result of Stevens' actions, Sauber lost his balance, tripped over a parking block, and rolled down the hill with Stevens on top of him. In addition to Sauber's testimony, the jury was able to view the body camera footage showing what transpired. The fall caused Sauber's shoulder to be dislocated, he experienced severe pain at the time, and continued to have pain for several weeks. As a result of his injuries, Sauber was unable to work for over a month and was on light duty for an additional 12 days. Sauber testified that when the injury occurred, the pain was "severe" and as he was chasing Stevens, Sauber described the pain as "ten out of ten." Tr. 113, 119. Viewing this testimony

in a light most favorable to the State, the evidence shows that Stevens knowingly charged Sauber causing him to fall. The pain suffered by Stevens could be determined to be prolonged as well as intractable at the time. Therefore, the conviction for felonious assault was supported by sufficient evidence.

**{¶15}** Next, this Court will review the record to determine if the felonious assault conviction was against the manifest weight of the evidence.

> When reviewing a judgment to determine if it is against the manifest weight of the evidence, an appellate court "review[s] the entire record, weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the jury clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered." . . . A new trial should be granted only in the exceptional case in which the evidence weighs heavily against conviction. . . . Although the appellate court acts as a "thirteenth juror," due deference to the findings made by the fact-finder must still be given.

*State v. Hulbert*, *supra* at ¶ 23 (3d Dist.) (internal citations removed).

**{¶16}** The challenged conviction in this case was for felonious assault. As discussed above, testimony was presented as to what occurred. The camera footage was viewed by the jury as well. Stevens' argument is that the State did not prove that the injury qualified as serious physical harm. However, as noted above, this is a question of weight. The jury viewed the evidence and decided that the injury suffered by Sauber met the definition of serious physical harm. Given the testimony, this Court does not find that the jury clearly lost its way resulted in a manifest miscarriage of justice. The evidence does not weigh heavily against

conviction. Thus, the conviction is not against the manifest weight of the evidence. The assignment of error is overruled.

**{¶17}** Having found no error prejudicial to appellant in the particulars assigned and argued, the judgment of the Court of Common Pleas of Seneca County is affirmed.

***Judgment Affirmed***

**MILLER and WALDICK, J.J., concur.**

# JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignment of error is 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