

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
STARK COUNTY, OHIO

STATE OF OHIO,

Plaintiff - Appellee

-vs-

RICHARD ALLAN HOOPER,

Defendant - Appellant

Case No. 2025CA00140

Opinion & Judgment Entry

Appeal from the Court of Common Pleas
of Stark County, Case No. 2025CR0471

Judgment: Affirmed

Date of Judgment: September 1, 2026

BEFORE: William B. Hoffman, Andrew J. King, and David M. Gormley, Judges

APPEARANCES: Kyle L. Stone (Stark County Prosecuting Attorney) and Kameisha J. Johnson (Assistant Prosecuting Attorney), Canton, Ohio, for Plaintiff-Appellee; D. Coleman Bond, Canton, Ohio, for Defendant-Appellant.

Gormley, J.

{¶1} Defendant Richard Allan Hooper challenges his kidnapping and felonious-assault convictions following a jury trial in Stark County. On the kidnapping charge, he argues that though the State did offer some evidence that he may have — in the words of Ohio’s kidnapping statute (R.C. 2905.01(A)) — used “force [or] threat[s]” to “restrain the liberty” of the alleged victim (who was his girlfriend at the time), the State, he claims, offered no evidence that any such action on his part was, as R.C. 2905.01(A)(3) says, done for the purpose of “terroriz[ing]” that alleged victim.

{¶2} And on the felonious-assault charge, the State’s evidence likewise fell short, Hooper argues, where, he claims, the State offered no evidence that he knowingly caused or attempted to cause any physical harm to the alleged victim with a metal pole or lead pipe. That item must have been shown to be — in the words of the felonious-assault statute (R.C.

2903.11(A)(2) — a “deadly weapon,” and the State’s proof on that score was lacking, in Hooper’s view, where no testimony, he tells us, suggested that the metal pole or pipe was used by him as a weapon.

{¶3} After examining those sufficiency-of-the-evidence challenges as well as Hooper’s similar manifest-weight-of-the-evidence challenges, we affirm his convictions.

The Key Facts

{¶4} Evidence presented at Hooper’s trial indicated that, in March 2025, he had been dating the alleged victim for roughly two months, and she was by then living with him at his mother’s home in Canton, Ohio. While Hooper and the alleged victim were together at the home one day that month, Hooper asked her to engage in oral sex with him. She refused, and that rejection angered Hooper.

{¶5} He responded by threatening to harm the alleged victim if she moved from the chair where she was seated in the basement of the home. Each time she tried to move, Hooper threw nearby objects at her, striking her with some of them. When the alleged victim managed to stand and run up the stairs to get away, she discovered that the door was locked. Hooper quickly followed her up the stairs, punched her in the face, and dragged her back down into the basement.

{¶6} The alleged victim then managed to flee to a nearby laundry room, where — according to her trial testimony — Hooper threw long fluorescent-tube light bulbs at her. Some of those long light bulbs struck her, and others shattered near her. Hooper then ordered the alleged victim to return to her original chair, told her that he would kill her if the police came to the door, and continued throwing objects at her, including glass, soda cans, and cigarette butts.

{¶7} Unbeknownst to the alleged victim, part of the incident was recorded on her phone. The audio portion of that recording was played for the jury and was admitted as a trial exhibit. On the recording, the alleged victim can be heard asking Hooper to allow her to leave, and she says, too, that Hooper should stop trying to find reasons to throw objects at her. Hooper can then be heard on the recording saying that he is tired of her mouth, asking her whether she will stop if and when she is severely wounded, and saying that if the police come to the door, he will beat her to death.

{¶8} Next, Hooper's sister came to the house, and she found the alleged victim in an upstairs bathroom shielding herself from being struck by Hooper with a cane. The sister took the cane from Hooper and then ushered Hooper and the alleged victim to the basement to avoid disturbing Hooper's mother, who was in the home at the time. Standing between Hooper and the alleged victim, the sister tried to persuade Hooper to let that person leave. He refused. When the sister turned to speak to the alleged victim, Hooper struck his sister in the head with a metal clock, knocking her to the floor. The sister then managed to leave the home, went to a friend's residence, and called the police. Meanwhile, the alleged victim was able to flee when Hooper stepped away to find some cigarettes elsewhere in the house.

{¶9} A sheriff's deputy who came to the house in response to the sister's call for law-enforcement assistance found the basement cluttered with broken glass, and broken light-bulb glass could be seen in the laundry room and in the room where the alleged victim said that she had been confined. The deputy also saw a metal pipe in the basement, and that object was collected from the basement and admitted as an exhibit at the trial.

{¶10} That same deputy later went to a hospital to speak with the alleged victim, who was there for an examination and who appeared to be tired and dazed, according to the

deputy's trial testimony. The deputy's photos of the alleged victim's visible injuries that day showed bruising on her legs, swelling on her face, an injury to her neck, and swelling on her hands. The deputy testified at the trial that he took a photo of the alleged victim's hands to capture the swelling where she told him she had been struck with a pipe. He testified, as well, that he felt a lump on the back of her head during that hospital meeting.

{¶11} The alleged victim's hospital records — an exhibit at the trial — indicated that her chief complaint after the incident was that she had been struck with a pipe by her boyfriend and was experiencing pain in one of her fingers. An x-ray revealed no fractures, and the alleged victim left the hospital against medical advice. Her bruises, she testified, lasted for months.

{¶12} The jury found Hooper guilty on a kidnapping charge and on a felonious-assault charge, and he now appeals.

Sufficient Evidence Supported Both Convictions

Our Standard of Review

{¶13} “When reviewing the sufficiency of the evidence, an appellate court does not ask whether the evidence should be believed but, rather, whether the evidence, ‘if believed, would convince the average mind of the defendant’s guilt beyond a reasonable doubt.’” *State v. Pountney*, 2018-Ohio-22, ¶ 19, quoting *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus. ““The relevant inquiry is whether, after viewing the evidence in the 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. Howell*, 2020-Ohio-174, ¶ 28 (5th Dist.), quoting *Jenks* at paragraph two of the syllabus. A “verdict will not be disturbed

unless the appellate court finds that reasonable minds could not reach the conclusion reached by the trier-of-fact.” *State v. Dennis*, 79 Ohio St.3d 421, 430 (1997).

The Kidnapping Charge

{¶14} Hooper was convicted under R.C. 2905.01(A)(3), which means in this case, the State sought to prove that Hooper, by force or threats, restrained the alleged victim’s liberty, and — in the words of the statute — that his purpose in doing so was “[t]o terrorize” that person. Yet the State offered no evidence, Hooper says, that he acted with the requisite criminal purpose alleged in the charge.

{¶15} In our view, the evidence on the purpose-to-terrorize element was in fact substantial. Jurors heard that Hooper kept the alleged victim in the basement for hours, compelling her to remain in her seat and not leave, denied her access to both a bathroom and to food, and threw objects at her — light bulbs, glass, soda, lit cigarettes — each time she tried to move. They heard that he chased her down when she ran for a locked door and that he punched her repeatedly in the face. They heard that he took her phone, that he told his own sister to beat up the alleged victim, and that he prevented his sister from taking that person out of the house. And they heard Hooper’s voice on the recording from the phone, including his chilling warning to the alleged victim that he would beat her to death if the police came to the door.

{¶16} Because the Revised Code does not define “terrorize,” that term is given its ordinary meaning: filling another with terror or anxiety. *State v. Hodge*, 2025-Ohio-4434, ¶ 58 (10th Dist.). In Hooper’s case, a rational juror could have readily found that such a purpose motivated his actions.

{¶17} In the face of all the evidence, Hooper urges us to find that he simply wanted to cajole the alleged victim into performing oral sex. Terrorizing her never crossed his mind, he claims, and no witness used that word. But even if sex was on Hooper’s mind that day before he told the alleged victim to stay in her chair, the jury was free to see in his hours-long conduct a different purpose — the one alleged by the State — after hearing the alleged victim’s description of the seemingly cruel and frightening torment that she says she endured. *See State v. Bickham*, 2026-Ohio-2999, ¶ 38 (5th Dist.) (“The determination of intent is a question for the jury, which may infer a defendant’s purpose from his conduct and the natural consequences of his actions”).

The Felonious-Assault Charge

{¶18} To prove felonious assault under R.C. 2903.11(A)(2), the State was required to show that Hooper knowingly caused or attempted to cause physical harm to the alleged victim by means of a deadly weapon. “Physical harm” means “any injury, illness, or other physiological impairment, regardless of its gravity or duration.” R.C. 2901.01(A)(3). And a “deadly weapon” is “any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.” R.C. 2923.11(A).

{¶19} Hooper argues that the State proved nothing more than that a metal pipe happened to be lying in a cluttered basement. He observes, correctly, that neither the alleged victim nor his sister mentioned, in their trial testimony, the words “metal pole” or “lead pipe,” and he contends that an object not possessed, carried, or used as a weapon cannot be a deadly weapon.

{¶20} In assessing sufficiency, we look to all of the evidence that was admitted at trial, and the evidence here went well beyond a photograph of a pipe. A sheriff's deputy testified that he photographed swelling on the alleged victim's hands because that was where that person told him she had been struck with a pipe. And the alleged victim's medical records — a trial exhibit — indicated that her chief complaint to hospital staff was about having been struck by a pipe wielded by her boyfriend.

{¶21} As for evidence on the physical-harm element of the crime, the medical records note that the alleged victim reported pain when she moved her fingers. Moreover, trial-exhibit photos of the alleged victim's hands allowed jurors themselves to see the swelling described by the deputy.

{¶22} From that evidence, a rational juror could find that Hooper struck the alleged victim's hands with the metal pipe. A metal pipe swung with sufficient force at another person is capable of inflicting death, and a pipe so used is “used as a weapon” within the meaning of R.C. 2923.11(A). See *State v. Delawder*, 2012-Ohio-1923, ¶ 57 (4th Dist.) and *State v. Sawyer*, 2011-Ohio-6098, ¶ 67-68 (11th Dist.).

{¶23} We find that a rational trier of fact could have found that each element of both felonious assault and kidnapping had been proven beyond a reasonable doubt. Hooper's first assignment of error is overruled.

Hooper's Convictions Were Not Against the Manifest Weight of the Evidence

{¶24} In determining whether a felony conviction was against the manifest weight of the evidence, an appellate court acts as a thirteenth juror, and “after ‘reviewing 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.’” *State v. Hane*, 2025-Ohio-120, ¶ 20 (5th Dist.), quoting *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997). The reversal of a conviction on manifest-weight grounds should occur only in “the ‘exceptional case in which the evidence weighs heavily against the conviction.’” *Id.*

{¶25} Hooper’s manifest-weight arguments track his sufficiency arguments, and they fare no better. He asks us to reweigh testimony that the jury heard, but “the weight to be given the evidence and the credibility of the witnesses are primarily for the trier of the facts.” *State v. DeHass*, 10 Ohio St.2d 230 (1967), at paragraph one of the syllabus. A reviewing court gives deference to the jury’s credibility determinations because the jury “‘is best able to view the witnesses and observe their demeanor, gestures and voice inflections, and use these observations in weighing the credibility of the proffered testimony.’” *State v. Payne*, 2025-Ohio-5109, ¶ 21 (5th Dist.), quoting *Seasons Coal Co. v. Cleveland*, 10 Ohio St.3d 77, 80 (1980). And we cannot reverse a decision simply because we might hold a different opinion about the credibility of the witnesses and the other evidence presented at a trial. *State v. Razey*, 2023-Ohio-4190, ¶ 34 (5th Dist.).

{¶26} On the kidnapping conviction, Hooper asks us to find that the greater weight of the credible evidence showed a purpose to engage in sex rather than to terrorize. But even if the jury agreed that Hooper did ask the alleged victim to engage in oral sex with him on the day of the alleged crime, jurors could have reasonably found that Hooper in fact had a dual purpose: to so shock and frighten the alleged victim and to instill in her such a feeling of anxiety that she would acquiesce to his demands for sex, whether on that day or in the future.

{¶27} In the end, a jury “is free to believe all, part[,] or none of the testimony of any witness who appears before it.” *State v. Vogelsong*, 2025-Ohio-5107, ¶ 33 (5th Dist.). Here, the alleged victim’s testimony, the sister’s testimony, the deputy’s description of the basement, the photographic evidence, and the audio recording of Hooper’s own words all supported the State’s theory of the case. A rational basis for a guilty verdict on the kidnapping charge plainly exists in this record.

{¶28} As for the felonious-assault conviction, Hooper again presses the point that the alleged victim never testified that he hit her with a pipe. The jury was entitled to weigh that silence, and Hooper’s trial counsel was free to make much of it in a closing argument. But the jury also had before it the deputy’s testimony about why he photographed the alleged victim’s hands, and the medical records similarly spoke to a hand injury reportedly caused when the alleged victim was struck with a pipe used by her boyfriend. Jurors were free, too, to examine the photos of the alleged victim’s hands and of a metal pipe found in the home’s basement amid shards of broken glass.

{¶29} “While the [trier of fact] may take note of inconsistencies and resolve or discount them accordingly, such inconsistencies alone do not render a conviction against the manifest weight or sufficiency of the evidence.” *State v. Wolters*, 2022-Ohio-538, ¶ 20 (5th Dist.). Weighing any shortcomings in the evidence against the testimony and other evidence that the State did present was the jury’s task, and jurors’ resolution of any evidentiary conflicts tied to the felonious-assault charge in this case was not unreasonable.

{¶30} This is not the exceptional case in which the evidence weighs heavily against the convictions, and the jury did not lose its way. Hooper’s second assignment of error is overruled.

{¶31} For the reasons explained above, the judgment of the Court of Common Pleas of Stark County is affirmed. Costs are to be paid by Appellant Richard Allan Hooper.

By: Gormley, J.;

King, P.J. and

Hoffman, J. concur.