

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

STATE OF OHIO

Plaintiff-Appellee

MICHAEL KEVIN ANDERSON

Defendant-Appellant

Case No. 25CA000023

Opinion And Judgment Entry

Appeal from the Knox County Court of
Common Pleas, Case No. 24-CR06-0120

Judgment: Affirmed

Date of Judgment Entry:
September 21, 2026

BEFORE: William B. Hoffman, Robert G. Montgomery, and Kevin W. Popham, Judges

APPEARANCES: Charles T. McConville, for Plaintiff-Appellee; Stephen P. Hardwick, for Defendant-Appellant

OPINION

Popham, J.,

{¶1} Appellant Michael Kevin Anderson ("Anderson") appeals his conviction after a jury trial in the Court of Common Pleas for Knox County, Ohio. For the reasons that follow, we affirm.

Facts and Procedural History

{¶2} Anderson was indicted on one count of felonious assault, causing serious physical harm, a second-degree felony in violation of R.C. 2903.11(A)(1).

{¶3} On June 28, 2024, the trial court ordered Anderson to undergo a competency evaluation. By Judgment Entry filed September 12, 2024, the trial court found Anderson not

competent to stand trial but restorable to competency within the statutory time. Anderson was ordered to undergo treatment at Twin Valley Behavioral Healthcare Hospital. On September 24, 2024, Anderson, pro se, filed an objection to the trial court's finding of incompetency, which the trial court overruled on October 22, 2024. On November 12, 2024, Anderson, pro se, filed a "Motion of Self-defense."

{¶4} On February 20, 2025, the trial court found Anderson had been restored to competency. On May 27, 2025, Anderson filed a "Notice of Self-defense."

{¶5} On July 10, 2025, two sheriff's deputies served a subpoena on the minor B.M., one of the two girls who saw the altercation from inside the Doller General store. (1Tr. at 110). Anderson's counsel related that on July 14, 2025, B.M.'s mother told defense counsel that she would not allow her daughter to testify. (2Tr. at. 332). Anderson's counsel informed the court that on July 14, 2025, Anderson's counsel sent an email to the trial judge's assistant, with a copy to the prosecutor, notifying the judge of B.M.'s mother's potential defiance, and stating, "you'll probably need to send someone out to pick up [B.M.] that day." (2Tr. at 423).

{¶6} On August 5, 2025, the parties filed written stipulations agreeing to admit Anderson's medical Records (Defendant's Ex. 1) and the 911 calls made by the State's witnesses, without the need for testimony on authenticity or relevance.

{¶7} A jury trial commenced on August 5, 2025. The following evidence was presented.

Background

{¶8} In 2019, Jesse Hammons accused Anderson of "saying some stuff" about a horse business Hammons was helping run. (2Tr. at 278). At that time, Hammons had been drinking and using methamphetamine and painkillers. (*Id.*). A confrontation ensued during

which Hammons fired several shots at Anderson. (*Id.* at 279-281). As a result, Hammons was convicted of discharging a firearm on or near prohibited premises and improperly handling a firearm. (*Id.* at 267). Also in 2019, Hammons was convicted of having weapons while under disability. Hammons received an aggregate five-year prison sentence for those convictions. (*Id.* at 268). Upon his release from prison, Hammons was placed on post-release control. (*Id.*). One of the conditions of his post-release control prohibited him from having contact with Anderson. (*Id.*). A violation of any condition of post-release control could result in Hammons being returned to prison. (*Id.*).

The Dollar General Encounter

{¶9} On May 18, 2024, surveillance video from the Dollar General store in Danville, Ohio, showed Anderson standing in the checkout line at approximately 7:48 p.m. (1Tr. at 163, 169; State's Exh. 6). Approximately one minute later, Hammons, his now-wife K.H., and K.H.'s nephew, Caden Hill, entered the store. (*Id.* at 170). Anderson exited the store moments after the trio entered. (*Id.*). The surveillance video showed Hammons leaving the store, followed shortly thereafter by Hill, at approximately 7:50 p.m. (*Id.*).

Testimony of Caden Hill

{¶10} Hill testified that K.H. and Hammons noticed Anderson as they entered the Dollar General. (1Tr. at 218-219). Hill testified that he had never met Anderson and did not know who he was at the time. (*Id.* at 219). According to Hill, Hammons did not explain his prior history with Anderson to Hill until after the incident. (*Id.* at 227-228).

{¶11} Hill testified that Hammons had left the store, and K.H. instructed him to follow Hammons "to make sure he doesn't do anything stupid or that he wasn't supposed to do." (*Id.*). Once outside, Hill observed Anderson sitting in his truck approximately 50 to 75

feet away, across the parking lot. (*Id.* at 220, 228). Hill testified that Anderson, who was wearing a GoPro camera mounted in a chest harness, pressed the play button. (*Id.* at 221, 228-229). Hill testified that he flexed his arms while laughing at Anderson. (*Id.* at 226). Words were exchanged between Hill and Anderson. Hill admitted telling law enforcement that Anderson taking a picture of him "puts a target to get fucked with on his chest." (*Id.* at 228-229).

{¶12} Hill further testified that K.H. ran out of the store yelling, "Get the hell away from my nephew," and approached Anderson in a hostile manner. (1Tr. at 222, 234, 238). Hill also told police that Anderson appeared to brace himself as though he expected to be punched. (*Id.* at 236-237). Hill testified that he then saw Anderson strike K.H. "pretty hard," causing her to fall face-first onto the ground. (*Id.* at 233). Hill testified that he chased Anderson as Anderson ran away. Anderson fell, and Hill got on top of him for a few seconds. Hill testified that after Anderson regained his feet, Anderson attempted to confront him again until a Dollar General employee pulled Hill away. (*Id.* at 223-234).

Testimony of Jesse Hammons

{¶13} Hammons testified that he married K.H. after the incident. (2Tr. at 267). He acknowledged his prior felony convictions arising from the 2019 confrontation with Anderson and admitted that a condition of his post-release control prohibited him from having contact with Anderson.

{¶14} Hammons testified that upon entering the Dollar General, he immediately noticed Anderson standing in the checkout line. He left the store, returned to his truck, and sat in the passenger seat. Hammons testified that he observed Anderson exit the store and enter his truck. Rather than driving away, Anderson began taking photographs. (*Id.* at 270-

271). Hammons testified that words were exchanged between Hill and Anderson and acknowledged that Hill knew Hammons was prohibited from having contact with Anderson. (*Id.* at 278).

{¶15} According to Hammons, K.H. exited the store and told Anderson to "grow up and leave her husband and nephew alone." (*Id.* at 272). Hammons testified that K.H. pushed Anderson, Anderson pushed her back, and Anderson then struck K.H. in the face, "just flatten[ing] her." (*Id.*).

Testimony of K.H.

{¶16} K.H. testified that before marrying Jesse Hammons she was known as K.A. (2Tr. at 284-285). She testified that on May 18, 2024, she, Hammons, and Hill went to the Dollar General to purchase groceries for a family gathering. (*Id.* at 285). After entering the store, Hammons reacted upon seeing Anderson, informed K.H., and immediately left the store. (*Id.* at 287).

{¶17} K.H. testified that she instructed Hill to follow Hammons because she wanted someone with Hammons in case something occurred between him and Anderson. (*Id.* at 296-297). She later heard Hill yelling, so she headed toward the exit. When she reached her truck, Hammons told her not to approach Anderson. (*Id.* at 288, 300). K.H. nevertheless testified that she was not going to let anyone "mess with" her nephew and approached Anderson. (*Id.* at 288).

{¶18} K.H. testified that she told Anderson that Hill was only a child and Anderson needed to leave him alone and "grow up." She testified Anderson told her to get out of his face and shoved her. K.H. testified that she shoved Anderson back, and the next thing she remembered was being on the ground. (*Id.* at 290). She testified that she experienced severe

pain, was transported to the hospital by ambulance, and learned she had sustained multiple facial fractures. (*Id.* at 291). K.H. testified that she underwent two surgeries involving plates and screws to repair the injuries. (*Id.* at 291-293). She further testified that she continues to suffer permanent nerve damage, scarring, and pain.

Testimony of Other Witnesses

{¶19} Laura Brady, the cashier on duty at the Dollar General, testified that she heard yelling and observed K.H. run from the store. (1Tr. at 193). Brady testified that she saw K.H. push Anderson and then saw Anderson strike K.H. (*Id.* at 200).

{¶20} Jennifer Ferenbaugh, the Dollar General manager, testified that she did not witness the altercation itself but observed the aftermath and called 911. (1Tr. at 206-207; State's Exhs. 7 and 8). She further testified that, although the store had no exterior surveillance cameras, she provided law enforcement with the interior surveillance footage. (*Id.*).

{¶21} S.B., a juvenile witness, testified that she and her friend B.M. had completed their purchase and were walking toward the exit when they heard people yelling. (2Tr. at 381). S.B. testified that she observed a woman yelling at a man before striking him. (*Id.* at 383). According to S.B., the man took a couple of steps backward before striking the woman, causing her glasses to fly off. (*Id.* at 386). S.B. further testified that a younger male then pursued Anderson and appeared to strike him. (*Id.* at 384). S.B. testified that she and B.M. remained together in the same location inside the store throughout the incident. (*Id.* at 385-386).

Law Enforcement Investigation

{¶22} Deputy Brandon Feeney testified that he, Deputy Jared Scoles, and Deputy Richard Wise responded to the 911 call. (1Tr. at 108). Deputy Feeney testified that he spoke

with K.H. while paramedics were treating her. K.H. told him she heard yelling, went into the parking lot, shoved Anderson, Anderson shoved her back, and then punched her in the face. (*Id.* at 109-110).

{¶23} Deputy Feeney testified that Hill reported Anderson was recording him after Hill exited the store. (*Id.* at 111). Hill further reported that he flexed at Anderson, Anderson flexed back, and a verbal altercation then ensued. Deputy Feeney obtained written statements from both Hill and K.H. (*Id.*).

{¶24} Deputy Feeney testified that Anderson stated Hill initiated the verbal confrontation. Anderson further stated that K.H. came toward him and grabbed for his neck and, as he was falling, he threw a punch that struck her in the face. (*Id.* at 112).

{¶25} Deputy Feeney examined Anderson's GoPro camera but found no footage depicting the altercation. (*Id.* at 113). Deputy Feeney also interviewed the cashier and store manager. Later, Deputies Feeney and Scoles interviewed Hammons at the jail. (*Id.* at 118-119).

{¶26} Deputy Scoles testified that he photographed K.H.'s injuries, as well as abrasions to Anderson's elbows and a scrape on his knuckles. (State's Exhs. 1-5).

{¶27} Deputy Wise testified that Anderson told him he struck K.H. after she shoved him and attempted to grab his neck. (1Tr. at 142).

{¶28} Deputy Terry Wolfe testified that he conducted the follow-up investigation. (1Tr. at 160). His responsibilities included locating additional witnesses and determining whether neighboring businesses possessed surveillance footage. Deputy Wolfe identified two juvenile witnesses, B.M. and S.B., from the Dollar General surveillance video. (*Id.* at 165, 172). He obtained statements from both juveniles. (*Id.*).

{¶29} Deputy Wolfe testified that both juveniles reported observing two males arguing and flexing at one another. They further stated that K.H. exited the store, approached Anderson, and struck him somewhere between the shoulder and head with what appeared to be an open hand. (*Id.* at 166). According to Deputy Wolfe, the juveniles stated Anderson did not step backward before responding with a punch that knocked K.H.'s glasses off and knocked her to the ground. (*Id.* at 166, 173). Deputy Wolfe testified that the statements of the two juvenile witnesses were substantially similar.

{¶30} Deputy Wolfe also reviewed Anderson's 911 call (Defense Exh. 3) He also reviewed Anderson's camera footage depicting Anderson speaking with his attorney after the incident. (*Id.* at 175, 185). No video recording of the physical altercation was recovered from the camera. (*Id.* at 191).

Medical Evidence

{¶31} Dr. Kurt Garren, K.H.'s treating physician, testified that K.H. sustained multiple facial fractures requiring surgical repair with plates and screws. (2Tr. at 319-322).

B.M.'s Failure to appear in response to a subpoena

{¶32} After Dr. Garren's testimony, Anderson's attorney informed the judge that B.M. had not appeared in compliance with her subpoena. (2Tr. at 332, 339). Counsel requested the court order the sheriff to bring B.M. to court to testify. (*Id.* at 343). The judge indicated he would not, and counsel objected. (*Id.* at 333-343).

{¶33} Prior to the day's lunch break, Anderson's counsel again asked the judge to enforce the subpoena for B.M. (2Tr. at 366-368). The court indicated that had counsel informed the court a month ago, the court could have done something. (*Id.* at 373-376). The

court found that because B.M.'s testimony was cumulative to S.B.'s testimony the court would not order B.M. to be picked up and brought to court. (*Id.* at 375-378).

{¶34} Prior to closing arguments, Anderson's counsel informed the court that he had notified the court of a potential problem with B.M. not appearing for court by email on July 14, 2025. (2Tr. at 423-424).

{¶35} The parties stipulated to Anderson's medical records indicating that he suffered from arthritis, coronary artery disease, depression, high blood pressure, osteoarthritis, post-traumatic stress disorder, and anxiety. (2Tr. at 388; Defendant's Exh. 1).

Verdict and Sentence

{¶36} The trial court instructed the jury on the defense of self-defense involving non-deadly force. (2Tr. at 432). Neither party objected to the jury instructions given by the court.

{¶37} The jury found Anderson guilty of felonious assault. The trial court sentenced Anderson to an indefinite prison term with a minimum term of four years and a potential maximum term of six years.

Assignments of Error

{¶38} Anderson raises two assignments of error for our consideration,

{¶39} "I. THE TRIAL COURT ERRED BY FAILING TO ENFORCE A PROPERLY ISSUED SUBPOENA FOR ONE OF ONLY TWO DISINTERESTED EYEWITNESSES."

{¶40} "II. MR. ANDERSON'S CONVICTION IS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE."

I.

{¶41} In his first assignment of error, Anderson argues the trial court violated his constitutional right to compulsory process by refusing to enforce a subpoena served upon B.M., a minor, who witnessed the altercation. We disagree.

Governing Law

{¶42} The Sixth Amendment to the United States Constitution guarantees a criminal defendant the right to compulsory process for obtaining witnesses in his favor. This right is a fundamental component of a defendant's ability to present a defense and is applicable to the states through the Fourteenth Amendment. *Washington v. Texas*, 388 U.S. 14, 19 (1967). Likewise, the Supreme Court of Ohio has recognized that the right to present witnesses in one's defense is a fundamental element of due process. *Lakewood v. Papadelis*, 32 Ohio St.3d 1, 4-5 (1987); *see also State v. Chandler*, 2017-Ohio-9279, ¶ 20 (5th Dist.).

{¶43} The Compulsory Process Clause guarantees a defendant the right to government assistance in compelling the attendance of witnesses and the right to present evidence that may affect the determination of guilt. *Pennsylvania v. Ritchie*, 480 U.S. 39, 56 (1987); *State v. Johnson*, 1997 Ohio App. LEXIS 1104, at *6 (5th Dist. Mar. 5, 1997); *State v. Brown*, 1991 Ohio App. LEXIS 2449, at *7-8 (5th Dist. May 13, 1991).

{¶44} The right to compulsory process, however, is not absolute. A defendant must demonstrate more than the mere absence of a witness. To establish a constitutional violation, the defendant must make "a plausible showing" that the witness's testimony would have been both material and favorable to the defense and not merely cumulative of other evidence presented at trial. *United States v. Valenzuela-Bernal*, 458 U.S. 858, 867, 873 (1982); *Johnson* at *6-7; *Brown* at *8.

Application

{¶45} Anderson has not demonstrated that the absence of B.M.'s testimony prejudiced his defense.

{¶46} First, Anderson made no proffer regarding what B.M.'s testimony would have been. Without such a proffer, it is impossible to determine whether her testimony would have been material, favorable to the defense, or different from the evidence already before the jury.

{¶47} Moreover, the record indicates that B.M.'s testimony would likely have been cumulative. S.B. testified that she and B.M. remained together throughout the incident and observed the altercation from the same location inside the Dollar General. Deputy Wolfe, who interviewed both juveniles during the investigation, testified that their statements were substantially similar. According to Deputy Wolfe, both juveniles reported that they observed two men arguing before K.H. approached Anderson and struck him, after which Anderson punched K.H.

{¶48} Because the available evidence indicates that B.M. would have offered testimony substantially similar to that already presented through S.B. and Deputy Wolfe, Anderson has failed to demonstrate that B.M.'s testimony would have materially altered the evidence before the jury.

Conclusion

{¶49} Anderson failed to make the plausible showing required by *Valenzuela-Bernal* that B.M.'s testimony would have been material and favorable to his defense in a manner that was not merely cumulative of other evidence presented at trial. Accordingly, the trial court's failure to enforce the subpoena did not violate Anderson's constitutional rights to compulsory process or to present a defense.

{¶50} For these reasons, Anderson's first assignment of error is overruled.

II.

{¶51} In his second assignment of error, Anderson contends that the State failed to disprove his claim of self-defense beyond a reasonable doubt. We disagree.

Standard of Review — Manifest Weight of the Evidence

{¶52} A claim that the State failed to disprove self-defense is reviewed under the manifest-weight-of-the-evidence standard. *State v. Messenger*, 2022-Ohio-4562, ¶ 27; *State v. Smiley*, 2025-Ohio-2666, ¶ 19 (5th Dist.).

{¶53} A manifest-weight challenge concerns the persuasive force of the evidence. *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 19. In conducting this review, an appellate court acts as a "thirteenth juror," independently reviewing the record, weighing the evidence and the reasonable inferences to be drawn therefrom, considering witness credibility, and determining whether the jury clearly lost its way and created a manifest miscarriage of justice. *State v. Jordan*, 2023-Ohio-3800, ¶ 17; *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997). Reversal on manifest-weight grounds is reserved for the exceptional case in which the evidence weighs heavily against the conviction. *Thompkins* at 387.

{¶54} Because the jury personally observes the witnesses, we afford substantial deference to its credibility determinations. *Eastley* at ¶ 21; *Seasons Coal Co. v. Cleveland*, 10 Ohio St.3d 77, 80 (1984). “An appellate court sits as the thirteenth juror only when evidence contradicts a fact-finder's findings, *see State v. Martin*, 2022-Ohio-4175, ¶ 26, or when a witness's testimony is so inconsistent as to material facts, so impeached, or so fantastical as to make it patently unbelievable.” *State v. Reillo*, 2026-Ohio-2701, ¶ 3. Without conflicting

evidence or testimony that has been completely discredited, there is little for an appellate court to reweigh. *Id.*

{¶55} In addition, the Ohio Constitution requires the unanimous concurrence of all three appellate judges before a conviction may be reversed as against the manifest weight of the evidence. Ohio Const., Art. IV, §3(B)(3); *Bryan-Wollman v. Domonko*, 2007-Ohio-4918, ¶¶ 2-4.

Governing Law on Self-Defense

{¶56} In this case, both parties agreed to the trial court instructing the jury on non-deadly-force self-defense. (2Tr. at 392-396).

{¶57} R.C. 2901.05(B)(1) provides, in pertinent part:

A person is allowed to act in self-defense...If, at the trial of a person who is accused of an offense that involved the person's use of force against another, there is evidence presented that tends to support that the accused person used the force in self-defense...the prosecution must prove beyond a reasonable doubt that the accused person did not use the force in self-defense.

{¶58} A defendant who raises self-defense admits the facts claimed by the prosecution but relies upon additional facts or circumstances that exempt the defendant from criminal liability. *State v. Poole*, 33 Ohio St.2d 18 (1973).

{¶59} Ohio courts have recognized two burdens under R.C. 2901.05(B)(1). *State v. Davidson-Dixon*, 2021-Ohio-1485, ¶ 18 (8th Dist.); *State v. Paskins*, 2022-Ohio-4024, ¶ 49 (5th Dist.). The defendant bears the initial burden of production by pointing to evidence in the record that tends to support a claim of self-defense. *Messenger*, 2022-Ohio-4562, ¶ 21. Once sufficient evidence has been introduced to warrant a self-defense instruction, regardless of

which party introduced the evidence, the burden shifts to the State to prove beyond a reasonable doubt that the defendant did not act in self-defense.

{¶60} A defendant charged with using non-deadly force acts in self-defense if the evidence tends to show that he (1) was not at fault in creating the situation, (2) held a reasonable or honest belief of imminent bodily harm, and (3) used no more force than was reasonably necessary. *State v. Paskins*, 2022-Ohio-4024, ¶ 48 (5th Dist.). The State need disprove only one of these elements to defeat the claim. *State v. Jackson*, 22 Ohio St.3d 281, 284 (1986); *State v. Staats*, 2021-Ohio-1325, ¶ 28 (5th Dist.); *Paskins*, ¶ 49; *State v. Carney*, 2020-Ohio-2691, ¶ 31 (10th Dist.).

{¶61} Because the jury was instructed on self-defense, the issue before us is whether the jury lost its way in finding that the State proved beyond a reasonable doubt that Anderson did not act in self-defense.

Application

{¶62} The evidence presented competing versions of the altercation.

{¶63} The State presented evidence that Anderson initiated the confrontation by leaving his truck, confronting Hill, and shoving K.H. before striking her in the face with sufficient force to cause multiple facial fractures requiring surgical repair involving plates and screws. If believed, that evidence permitted the jury to conclude Anderson was at fault in creating the affray and therefore could not establish self-defense. See *Jackson*, 22 Ohio St.3d at 284.

{¶64} Anderson presented a different account. Evidence favorable to his claim included testimony that Hill verbally confronted Anderson after Anderson began recording him, that Hill told law enforcement Anderson appeared to brace himself as K.H. approached,

and that K.H. admitted she ignored Hammons's warning not to approach Anderson. Anderson further points to testimony from S.B., who stated that K.H. struck Anderson first.

{¶65} K.H. admitted she ran from the store toward Anderson despite her husband's warning not to do so. She testified she approached Anderson because she was not going to let anyone "mess with" her nephew. Laura Brady, the Dollar General cashier, likewise testified that K.H. pushed Anderson before Anderson struck her. S.B. also testified she observed a woman yelling at a man before striking him.

{¶66} Even if the jury believed that K.H. initiated physical contact by pushing Anderson, it nevertheless could conclude that Anderson responded with greater force than was reasonably necessary under the circumstances. A person acting in self-defense is privileged to use only the amount of force reasonably necessary to repel the attack. *State v. Williford*, 49 Ohio St.3d 247 (1990).

{¶67} Several witnesses described Anderson striking K.H. with sufficient force to knock her to the ground. The medical evidence established that K.H. suffered multiple facial fractures requiring surgical repair with plates and screws and that she sustained permanent nerve damage. From this evidence, the jury could reasonably conclude that Anderson employed more force than was reasonably necessary to repel the perceived threat.

{¶68} Ultimately, the jury was required to assess the credibility of the witnesses and determine which version of events was more persuasive. Self-defense claims frequently turn on credibility determinations. *State v. Jamii*, 2023-Ohio-4671, ¶ 78 (10th Dist.); *State v. Sexton*, 2025-Ohio-718, ¶ 41 (1st Dist.); *State v. Morgan*, 2024-Ohio-5843, ¶ 40 (7th Dist.). The jury was free to believe all, part, or none of any witness's testimony. *State v. Petty*, 2017-Ohio-1062, ¶ 63 (10th Dist.); *State v. Davis*, 2024-Ohio-1504, ¶ 60 (5th Dist.). The mere existence of

conflicting testimony does not render a conviction against the manifest weight of the evidence.
State v. Morris, 2018-Ohio-5252, ¶ 51 (10th Dist.).

{¶69} This is not the exceptional case in which the evidence weighs heavily against the conviction. Rather, the record reflects a credibility determination squarely within the province of the jury, and we cannot say the jury lost its way.

Conclusion

{¶70} After independently reviewing the entire record, weighing the evidence and the reasonable inferences therefrom, and considering witness credibility, we find no indication that the jury lost its way or created a manifest miscarriage of justice.

{¶71} The greater weight of the credible evidence supports the jury's determination that Anderson did not act in lawful self-defense. The jury could reasonably conclude either that Anderson was at fault in creating the confrontation or that he responded with more force than was reasonably necessary under the circumstances. Because the State was required to disprove only one element of self-defense beyond a reasonable doubt, the jury's rejection of Anderson's self-defense claim is not against the manifest weight of the evidence.

{¶72} Accordingly, Anderson's conviction for felonious assault is not against the manifest weight of the evidence.

{¶73} Anderson's second assignment of error is overruled.

{¶74} For the reasons stated in our Opinion, the judgment of the Knox County Court of Common Pleas is affirmed. Costs to be paid by Appellant, Michael Kevin Anderson.

By: Popham, J.

Hoffman, P.J. and

Montgomery, J., concur