

**IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
MUSKINGUM COUNTY, OHIO**

STATE OF OHIO

Plaintiff - Appellee

-vs-

ROBERT FARMER

Defendant - Appellant

Case No. CT2026-0053

Opinion And Judgment Entry

Appeal from the Court of Common Pleas,
Case No. CR2026-0071

Judgment: Affirmed

Date of Judgment Entry: October 22, 2026

BEFORE: Craig R. Baldwin; Andrew J. King; Kevin W. Popham, Judges

APPEARANCES: JOSEPH A. PALMER, for Plaintiff-Appellee; CHRIS BRIGDON, for Defendant-Appellant.

King, J.

{¶ 1} Defendant-Appellant, Robert Farmer, appeals his May 18, 2026 conviction in the Muskingum County Common Pleas Court. Plaintiff-Appellee is the State of Ohio. We affirm the trial court.

FACTS AND PROCEDURAL HISTORY

{¶ 2} On February 4, 2026, the Muskingum County Grand Jury indicted Farmer on one count of aggravated possession of drugs in violation of R.C. 2925.11 and one count of illegal use or possession of drug paraphernalia in violation of R.C. 2925.14. The charges arose after a traffic stop wherein Farmer was arrested on an outstanding warrant. Following an inventory search of the vehicle, what was later determined to be methamphetamine was found

in an opaque blue glove on the driver's seat and a suspected drug pipe was found on the center console.

{¶ 3} A jury trial commenced on May 12, 2026. The jury found Farmer guilty of the aggravated possession count and not guilty of the paraphernalia count. By entry filed May 18, 2026, the trial court sentenced Farmer to eleven months in prison.

{¶ 4} Farmer filed an appeal with the following assignments of error:

I

{¶ 5} "THE STATE FAILED TO PRESENT SUFFICIENT EVIDENCE THAT APPELLANT KNOWINGLY POSSESSED METHAMPHETAMINE. THEREFORE, THE EVIDENCE WAS INSUFFICIENT TO SUSTAIN A CONVICTION FOR AGGRAVATED POSSESSION OF DRUGS IN VIOLATION OF R.C. 2929.11(A) AND THE TRIAL COURT ERRED WHEN IT DENIED APPELLANT'S MOTION FOR ACQUITTAL PURSUANT TO CRIM.R. 29(A) AT THE CLOSE OF THE STATE'S CASE."

II

{¶ 6} "THE JURY'S VERDICT FINDING APPELLANT GUILTY OF AGGRAVATED POSSESSION OF DRUGS WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE."

STANDARDS OF REVIEW

{¶ 7} On review for sufficiency, a reviewing court is to examine the evidence at trial to determine whether such evidence, if believed, would support a conviction. *State v. Jenks*, 61 Ohio St.3d 259 (1991). "The 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.* at paragraph two of the syllabus, following *Jackson v. Virginia*, 443 U.S. 307 (1979).

{¶ 8} On review for manifest weight, a reviewing court is to examine the entire record, weigh the evidence and all reasonable inferences, consider the credibility of witnesses and determine "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. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983). *See also State v. Thompkins*, 78 Ohio St.3d 380 (1997). The granting of a new trial "should be exercised only in the exceptional case in which the evidence weighs heavily against the conviction." *Martin* at 175.

{¶ 9} Crim.R. 29 governs motion for acquittal. Subsection (A) states the following:

The court on motion of a defendant or on its own motion, after the evidence on either side is closed, shall order the entry of a judgment of acquittal of one or more offenses charged in the indictment, information, or complaint, if the evidence is insufficient to sustain a conviction of such offense or offenses. The court may not reserve ruling on a motion for judgment of acquittal made at the close of the state's case.

{¶ 10} The standard to be employed by a trial court in determining a Crim.R. 29 motion is set out in *State v. Bridgeman*, 55 Ohio St.2d 261 (1978), syllabus: "Pursuant to Crim.R. 29(A), a court shall not order an entry of judgment of acquittal if the evidence is such

that reasonable minds can reach different conclusions as to whether each material element of a crime has been proved beyond a reasonable doubt."

{¶ 11} We will review the assignments of error under these standards.

I, II

{¶ 12} In Farmer's two assignments of error, he claims his conviction for aggravated possession of drugs was against the sufficiency and manifest weight of the evidence and the trial court erred in denying his Crim.R. 29 motion for acquittal. We disagree.

{¶ 13} Farmer was convicted of aggravated possession of drugs in violation of R.C. 2925.11 which states: "No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog." R.C. 2925.01(K) defines "possession" as "having control over a thing or substance," though it cannot be inferred solely from access to the premises where the item is found. Under R.C. 2901.21(D)(1), possession is a voluntary act if the person knowingly procured or received the item or was aware of having control of it for a sufficient time to end the possession. R.C. 2901.22(B) defines "knowingly" as:

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. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.

{¶ 14} Farmer was convicted of possessing methamphetamine which was discovered in an opaque blue glove on the driver's seat. He argues he did not knowingly possess the drugs; there was no evidence that he was aware of the presence of the methamphetamine. He argues "[t]here was no testimony that he made any furtive movements toward the glove, made any statements acknowledging the drugs, or exercised any dominion or control over the glove or its contents." Appellant's Brief at 5. Farmer notes the vehicle was registered to a female. *Id.*

{¶ 15} Possession may be actual or constructive. *State v. Butler*, 42 Ohio St.3d 174, 176 (1989); *State v. Hankerson*, 70 Ohio St.2d 87 (1982), syllabus. "Constructive possession exists when an individual exercises dominion and control over an object, even though that object may not be within his immediate physical possession." *State v. Wolery*, 46 Ohio St.2d 316, 329 (1976). Dominion and control may be proven by circumstantial evidence, including proximity to the contraband. *State v. Trembly*, 137 Ohio App.3d 134 (8th Dist. 2000); *State v. Morales*, 2005-Ohio-4714, ¶ 50 (5th Dist.). Ownership of the contraband is unnecessary to establish constructive possession, and multiple individuals may share constructive possession simultaneously. *Wolery* at 332; *State v. Pitts*, 2000-Ohio-1986 (4th Dist.).

{¶ 16} Circumstantial evidence is defined as "[t]estimony not based on actual personal knowledge or observation of the facts in controversy, but of other facts from which deductions are drawn, showing indirectly the facts sought to be proved." *State v. Nicely*, 39 Ohio St.3d 147,150 (1988), quoting *Black's Law Dictionary* (5th Ed. 1979). It is evidence that can be "inferred from reasonably and justifiably connected facts." *State v. Fairbanks*, 32 Ohio St.2d 34 (1972), paragraph five of the syllabus. "Circumstantial evidence and direct evidence

inherently possess the same probative value and therefore should be subjected to the same standard of proof. When the state relies on circumstantial evidence to prove an essential element of the offense charged, there is no need for such evidence to be irreconcilable with any reasonable theory of innocence in order to support a conviction." *Jenks*, 61 Ohio St. 3d at paragraph one of the syllabus. Furthermore, "[s]ince circumstantial evidence and direct evidence are indistinguishable so far as the jury's fact-finding function is concerned, all that is required of the jury is that it weigh all of the evidence, direct and circumstantial, against the standard of proof beyond a reasonable doubt." *Id.* at 272.

{¶ 17} During the trial, the jury heard from Zanesville Patrolman Curtis Shelton. Patrolman Shelton stopped Farmer for a suspected active arrest warrant. T. at 337. The active warrant was confirmed and Farmer was arrested. T. at 337-338. The vehicle Farmer was driving was registered to another individual. T. at 338. Because no one was available to retrieve the vehicle, it needed to be towed. T. at 343. In order for the vehicle to be towed, an inventory search of the vehicle's contents was required; the vehicle contained numerous items. T. at 298, 346; State's Exhibits D6, D9-D14. During the inventory search, Patrolman Shelton discovered a blue latex glove on the driver's seat with what felt like a crystal substance inside the fingertips; the wrist part of the glove was tied in a knot. T. at 346-348; State's Exhibit I. From Patrolman Shelton's experience, he suspected the crystal substance to be drugs. T. at 350-351; State's Exhibit J. The substance was later tested and found to be methamphetamine. T. at 324. Patrolman Shelton's testimony was corroborated by the two other officers on the scene. T. at 225-226, 231-232, 251, 255-257, 264-268, 298, 300. We find sufficient evidence was presented to overcome the Crim.R. 29 challenge.

{¶ 18} The opaque blue glove containing the methamphetamine was discovered on the driver's seat. Farmer was seated in the driver's seat driving the vehicle. Clearly Farmer was in close proximity to the drugs as they were found on his seat. Evidence was presented, if believed, to demonstrate that Farmer was able to exercise dominion and control over the methamphetamine in his proximity and thus had constructive possession.

{¶ 19} Upon review, we find sufficient evidence was presented from which a rational jury could weigh the evidence and all reasonable inferences, consider the credibility of witnesses, and conclude that Farmer possessed the methamphetamine. We further find this is not an exceptional case in which the evidence weighs heavily against the conviction; we do not find that the jury clearly lost its way and created a manifest miscarriage of justice.

{¶ 20} Assignments of Error I and II are denied.

{¶ 21} For the reasons stated in our accompanying Opinion, the judgment of the Muskingum County Common Pleas Court is AFFIRMED.

{¶ 22} Costs to Appellant.

By: King, J.

Baldwin, P.J. and

Popham, J. concur.