

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
NOBLE COUNTY

STATE OF OHIO,

Plaintiff-Appellee,

v.

SHAWN C. LOOFBOURROW,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY **Case No. 25 NO 0531**

Criminal Appeal from the
Court of Common Pleas of Noble County, Ohio
Case No. 224-2061

BEFORE:

Mark A. Hanni, Carol Ann Robb, Katelyn Dickey, Judges.

JUDGMENT:

Affirmed.

Atty. Jordan C. Croucher, Noble County Prosecutor, for Plaintiff-Appellee and

Atty. James R. Wise, for Defendant-Appellant.

Dated: August 17, 2026

HANNI, J.

{¶1} Defendant-Appellant, Shawn C. Loofbourrow, appeals from a Noble County Common Pleas Court judgment convicting him of corrupting another with drugs and unlawful sexual conduct with a minor, following a jury trial. Appellant challenges only his conviction for corrupting another with drugs, asserting in a single assignment of error that the conviction was based on insufficient evidence and was against the manifest weight of the evidence. Because the evidence supports both the sufficiency and the weight of the evidence, the trial court’s judgment is affirmed.

{¶2} On June 17, 2024, K.F.’s mother arrived home from work and found K.F. in a bedroom with Appellant. Mother noticed Appellant appeared sweaty and was clothed only in jean shorts. Mother also claimed the bedroom “smelled of sex.” K.F. left the residence with Appellant. At the time, mother was dating Appellant.

{¶3} K.F. subsequently consented to a sexual assault nurse examiner (SANE) examination, during which she disclosed that she had engaged in sexual conduct with Appellant. Appellant was arrested and indirectly admitted to sexual conduct with K.F. A DNA analysis performed by the Ohio Bureau of Criminal Identification and Investigation revealed the presence of K.F.’s DNA on the inside front panel of Appellant’s underwear. Although this conduct formed the basis of the unlawful sexual conduct with a minor count, Appellant does not now challenge that conviction on appeal.

{¶4} As part of the wider investigation, investigators learned that Appellant had, over a significant period of time, smoked marijuana with K.F., consumed alcohol with her, and furnished her with psilocybin mushrooms. Mother admitted that she had purchased the psilocybin mushrooms intending to consume them with Appellant for his birthday. Mother testified that, before Appellant’s birthday, Appellant arrived at her workplace in an altered state, and when she expressed anger that he had taken the mushrooms without her, he stated, “What? Me and [K.F.] just did them.” (Tr. 621).

{¶5} K.F. testified that Appellant offered her what he called “magic mushrooms” and physically gave her a psilocybin mushroom during a ride in his truck. (Tr. 707-708). She described the mushrooms as dehydrated and brown, tasting like burnt popcorn, and detailed the physical and psychological effects she experienced after consuming them.

{¶16} A search warrant executed on Appellant’s cell phone revealed a text-message exchange in which mother accused Appellant of giving K.F. the psilocybin mushrooms. In response, Appellant did not deny furnishing the mushrooms but instead replied that mother had given permission to do so, stating, “Wow. Really? You’re the one who gave her permission” and, when asked what he meant, “To do shrooms you bought.” (Tr. 623-624).

{¶17} A Noble County Grand Jury indicted Appellant on July 19, 2024, on one count of corrupting another with drugs, a second-degree felony in violation of R.C. 2925.02(A)(4)(a) (Count I); and three counts of unlawful sexual conduct with a minor, third-degree felonies in violation of R.C. 2907.04(A) (Counts II, III, and IV).

{¶18} The matter proceeded to a jury trial beginning September 4, 2025. The jury found Appellant guilty of corrupting another with drugs and one count of unlawful sexual conduct with a minor. It found him not guilty of the other two counts of unlawful sexual conduct with a minor.

{¶19} At an October 9, 2025 sentencing hearing, the trial court sentenced Appellant to a prison term of seven to ten and one-half years on the corrupting another with drugs count and a prison term of 54 months on the unlawful sexual conduct with a minor count. The court ordered Appellant to serve these sentences consecutively for an aggregate sentence of 11.5 to 15 years. The court further classified Appellant as a Tier II sex offender.

{¶10} Appellant filed a timely notice of appeal on October 28, 2025. He now raises a single assignment of error, challenging only his conviction for corrupting another with drugs.

{¶11} Appellant’s sole assignment of error states:

THERE WAS INSUFFICIENT EVIDENCE TO CONVICT THE
DEFENDANT OF CORRUPTING ANOTHER WITH DRUGS AND THE
VERDICT OF THE JURY FOR CORRUPTING ANOTHER WITH DRUGS
WAS AGAINST THE WEIGHT OF THE EVIDENCE.

{¶12} Appellant concedes that all elements of corrupting another with drugs were established except the element of “furnish or administer.” Appellant argues that Plaintiff-Appellee, the State of Ohio, failed to prove that he “furnish[ed] or administer[ed]” the

psilocybin mushrooms to K.F. because the mushrooms were purchased and supplied by mother. Appellant relies on mother's testimony that she purchased the mushrooms. Appellant then cites a text message where he denied giving K.F. drugs. Appellant also points to his own testimony that he never bought or supplied drugs to K.F., that he provided only alcohol to her on occasion, and that the mushrooms bought by mother were on the headboard of their bed and were either given to K.F. by mother or taken by K.F. herself.

{¶13} Appellant argues the definition of “furnish” is “[t]o supply, provide, or equip, for accomplishment of a particular purpose.” *State v. Haynes*, 2020-Ohio-1049, ¶ 30 (6th Dist.), quoting *State v. Schwab*, 2014-Ohio-336, ¶ 9 (4th Dist.). Appellant contends his conviction was based on insufficient evidence and was against the manifest weight of the evidence.

{¶14} Sufficiency of the evidence is the legal standard applied to determine whether the case may go to the jury or whether the evidence is legally sufficient as a matter of law to support the verdict. *State v. Smith*, 80 Ohio St.3d 89, 113 (1997). Sufficiency is a test of adequacy. *State v. Thompkins*, 78 Ohio St.3d 380, 386 (1997). Whether the evidence is legally sufficient to sustain a verdict is a question of law. *Id.* In reviewing the record for sufficiency, 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 proven beyond a reasonable doubt. *Smith*, 80 Ohio St.3d at 113.

{¶15} A sufficiency of the evidence challenge tests the burden of production while a manifest weight challenge tests the burden of persuasion. *Thompkins*, 78 Ohio St.3d at 390 (Cook, J., concurring). Therefore, when reviewing a sufficiency challenge, the court does not evaluate witness credibility. *State v. Yarbrough*, 2002-Ohio-2126, ¶ 79. Instead, the court looks at whether the evidence is sufficient if believed. *Id.* at ¶ 82.

{¶16} Appellant was convicted of corrupting another with drugs in violation of R.C. 2925.02(A)(4)(a), which provides that no person shall knowingly, by any means, “[f]urnish or administer a controlled substance to a juvenile who is at least two years the offender’s junior, when the offender knows the age of the juvenile or is reckless in that regard.” Appellant concedes each element except “furnish or administer.” The sole question

presented, therefore, is whether the State offered sufficient evidence that Appellant furnished or administered the psilocybin mushrooms to K.F.

{¶17} At trial, the court instructed the jury, consistent with the Ohio Jury Instructions, that “furnish” means “provided, supplied, or gave access to.” (Tr. 939.) Ohio courts applying that definition have held that giving a minor access to a controlled substance is sufficient to establish the “furnish” element. *State v. Patterson*, 2015-Ohio-4423, ¶ 85-86 (11th Dist.) (“‘Furnished,’ as defined for the jury, meant ‘provided, supplied or gave access to’” and was satisfied where a sale gave the minor access to the drug); *Schwab*, 2014-Ohio-336, at ¶ 10-12 (4th Dist.) (defendant essentially conceded furnishing where he gave a juvenile access to medication kept in a location the juvenile could access). The Sixth District applied that same definition in *State v. Turvey*, 2023-Ohio-2248, ¶ 84 (6th Dist.), holding the element satisfied where the defendant “supplied or provided” the controlled substance.

{¶18} Viewing the evidence in the light most favorable to the State, the record contains sufficient evidence that Appellant furnished or administered the mushrooms to K.F. K.F. testified that Appellant offered her the “magic mushrooms” and physically handed her a psilocybin mushroom while riding in his truck. (Tr. 707-708). That testimony alone, if believed, established that Appellant provided, supplied, or administered the controlled substance to K.F. Additionally, Mother’s testimony that Appellant admitted, “Me and [K.F.] just did them” and the text messages in which Appellant responded to the accusation of furnishing by asserting that mother had given K.F. permission “to do shrooms you bought them”, further support the element. (Tr. 621, 622-624).

{¶19} Next, we must examine Appellant’s manifest weight argument.

{¶20} In determining whether a verdict is against the manifest weight of the evidence, an appellate court must review the entire record, weigh the evidence and all reasonable inferences 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. Thompkins*, 78 Ohio St.3d 380. “Weight of the evidence concerns ‘the inclination of the *greater amount of credible evidence*, offered in a trial, to support one side of the issue rather than the other.’” *Id.* at 387, quoting *Black’s Law Dictionary* (6 Ed.1990) (Emphasis sic). In making its

determination, a reviewing court is not required to view the evidence in a light most favorable to the prosecution but may consider and weigh all of the evidence produced at trial. *Id.* at 390.

{¶21} Only when “it is patently apparent that the factfinder lost its way,” should an appellate court overturn the jury verdict. *State v. Woullard*, 2004-Ohio-3395, ¶ 81 (2d Dist.). If a conviction is against the manifest weight of the evidence, a new trial is to be ordered. *Thompkins* at 387. “No judgment resulting from a trial by jury shall be reversed on the weight of the evidence except by the concurrence of all three judges hearing the cause.” *State v. Miller*, 2002-Ohio-4931, ¶ 36, quoting Ohio Const., art. IV, § 3(B)(3).

{¶22} Appellant’s challenge to the manifest weight of the evidence does not meet the threshold for reversal, which would require an exceptional case in which the evidence weighs heavily against the conviction where the jury lost its way. The State presented direct testimony from K.F. that Appellant handed her the mushrooms, corroborated by Mother’s testimony and by Appellant’s own text messages. (Tr. 622-624, 707-708).

{¶23} Further, Appellant’s primary argument is that he did not furnish K.F. with the mushrooms because mother is the one who purchased the mushrooms. In *State v. Patterson*, 2015-Ohio-4423 (11th Dist.), the defendant was convicted under R.C. 2925.02(A)(4)(a) and argued, as Appellant argues here, that there was insufficient evidence of furnishing “since the evidence only demonstrated that the drug transaction occurred between [the defendant] and [a third party].” *Id.* at ¶ 85. Applying the same “provided, supplied or gave access to” instruction given here, the Eleventh District disagreed, holding that it did not matter if the drug was sold or delivered directly to the third party, as long as the sale gave the victim access to it and that the defendant knew he was giving the victim access to the drug. *Id.* at ¶ 86. The Ninth District also reached the same result under a similar set of facts, where the defendant left drugs in a location a juvenile could reach, his own admissions showed his awareness of that access, and the juvenile in fact accessed them. *State v. Hardison*, 2007-Ohio-366, ¶¶ 29-30 (9th Dist.). Therefore, the fact that mother may have purchased the mushrooms does not mean that Appellant could not furnish them to K.F.

{¶24} Moreover, Appellant’s own testimony supports his conviction. Appellant testified that the mushrooms were left on the headboard of the bed he shared with mother,

a location he knew K.F. could access. (Tr. 786). He knew K.F. took them by recognizing they were missing and confirming with K.F. that she took them. (Tr. 786). On cross-examination, Appellant further admitted, in contradiction to his prior statement, that he was lying on the bed when K.F. entered the room and took the mushrooms from the headboard. (Tr. 850-851.) Under the jury's instruction that "furnish" includes "gave access to," Appellant's admitted actions of knowing the drugs were on the headboard and allowing K.F. to come in and take them in his plain sight support his conviction. Accordingly, under either version of the trial testimony and evidence, a rational trier of fact could have found the element of "furnish or administer" proven beyond a reasonable doubt. Therefore, Appellant's argument that the jury's verdict was against the manifest weight of the evidence lacks merit.

{¶25} The determination of witness credibility is primarily for the trier of fact, and the jury is the sole judge of that credibility against the weight of the evidence presented. *State v. Hill*, 75 Ohio St.3d 195, 205 (1996); *State v. Antill*, 176 Ohio St. 61, 67 (1964). At a minimum, the record presents two reasonable views of the evidence: that Appellant handed K.F. the mushrooms in his truck, or that he furnished them by leaving them where K.F. had access and watched her take them, both of which would establish the required element of furnished.

{¶26} Accordingly, because the conviction for corrupting another with drugs is supported by sufficient evidence and is not against the manifest weight of the evidence, Appellant's sole assignment of error is without merit and is overruled.

{¶27} For the reasons stated above, the trial court's judgment is hereby affirmed.

Robb, J., concurs.

Dickey, J., concurs.

For the reasons stated in the Opinion rendered herein, the assignment of error is overruled and it is the final judgment and order of this Court that the judgment of the Court of Common Pleas of Noble County, Ohio, is affirmed. Costs to be waived.

A certified copy of this opinion and judgment entry shall constitute the mandate in this case pursuant to Rule 27 of the Rules of Appellate Procedure. It is ordered that a certified copy be sent by the clerk to the trial court to carry this judgment into execution.

NOTICE TO COUNSEL

This document constitutes a final judgment entry.