

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
MAHONING COUNTY

STATE OF OHIO,

Plaintiff-Appellee,

v.

CRAIG RYAN KRONER,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY **Case No. 26 MA 0025**

Criminal Appeal from the
Court of Common Pleas of Mahoning County, Ohio
Case No. 2024 CR 00498

BEFORE:

Katelyn Dickey, Cheryl L. Waite, Carol Ann Robb, Judges.

JUDGMENT:

Affirmed.

Atty. Lynn Maro, Mahoning County Prosecutor, *Atty. Kristie M. Weibling* and *Atty. Brian P. Kish*, Assistant Prosecuting Attorneys, for Plaintiff-Appellee and

Atty. Brian A. Smith, Brian A. Smith Law Firm, LLC, for Defendant-Appellant.

Dated: September 29, 2026

DICKEY, J.

{¶1} Appellant, Craig Ryan Kroner, appeals his convictions for tampering with evidence, aggravated possession of drugs, obstructing official business, resisting arrest, and illegal use or possession of drug paraphernalia in the Mahoning County Court of Common Pleas following a trial to the bench. In his sole assignment of error, Appellant argues each of his five convictions are against the manifest weight of the evidence. Finding no reversible error, we affirm Appellant’s convictions.

FACTS AND PROCEDURAL HISTORY

{¶2} On August 15, 2024, Appellant was indicted for one count of tampering with evidence in violation of R.C. 2921.12 (A)(1), (B), a felony of the third degree; one count of aggravated possession of drugs in violation of R.C. 2925.11 (A), (C)(1)(a), a felony of the fifth degree; one count of obstructing official business in violation of R.C. 2921.31(A), (B), a felony of the fifth degree; one count of resisting arrest in violation of R.C. 2921.33(A), (D), a misdemeanor of the second degree; and one count of illegal use or possession of drug paraphernalia in violation of R.C. 2925.14(C)(1), (F)(1), a misdemeanor of the fourth degree.

{¶3} Appellant entered pleas of not guilty to each of the charges on September 4, 2024 and waived his right to a speedy trial on September 9, 2024. On November 25, 2025, Appellant waived his right to a jury trial and elected to try his case to the bench.

{¶4} At the bench trial on November 25, 2025, the state offered the testimony of Trooper Alec Kalis, a four-year veteran of the Ohio State Highway Patrol (“OSHP”), and Trooper Sean Sekola, a seven-year veteran of OSHP. Appellant testified on his own behalf. Trooper Kalis’s dashboard camera footage and an OSHP laboratory report were admitted into evidence.

{¶5} On April 20, 2024, at roughly 2:00 a.m., Trooper Kalis was driving northbound on State Route 11 in Austintown Township when he saw a 2009 Dodge Caliber unable to maintain its lane. Trooper Kalis initiated a stop for a marked-lanes violation. The dashboard camera on Trooper Kalis’s patrol car captured the entire encounter with very limited audio.

{¶6} Trooper Kalis observed Appellant, the driver and the sole occupant of the vehicle, was animated and sweaty, with bloodshot glassy eyes. Appellant “would not stop looking around,” which Trooper Kalis characterized as “unusual behavior.” (11/25/25 Trial Tr., p. 14). When Trooper Kalis approached the driver’s side of the automobile, the windshield wipers were running even though it was not raining.

{¶7} Based on Trooper Kalis’s training, he recognized the foregoing circumstances as indicators of possible impairment, so he asked Appellant to exit the automobile in order to undergo a series of field sobriety tests. Trooper Sekola, who responded to Trooper Kalis’s subsequent request for backup, sat with Appellant in the patrol car after his arrest. Trooper Sekola likewise testified Appellant was animated, sweating profusely, and had pinpoint pupils and glassy eyes.

{¶8} Trooper Kalis conceded Appellant was initially cooperative and followed Trooper Kalis’s directives, that is, Appellant exited the automobile and walked to the front of the patrol car. However, Trooper Kalis testified Appellant was “looking over [Trooper Kalis’s] shoulder for purposes [Trooper Kalis did] not know why [sic].” Trooper Kalis further testified Appellant’s behavior was “unusual” and something Trooper Kalis did not encounter in other traffic stops. (*Id.* at p. 39).

{¶9} Trooper Kalis performed a pat-down search of Appellant in front of the patrol car, and felt hard objects in each of Appellant’s jacket pockets. Appellant explained they were pocket knives, which he used when installing drywall.

{¶10} Appellant removed one pocket knife from his right jacket pocket with his right hand and Trooper Kalis retrieved it from Appellant’s hand without incident. Next, Appellant removed three items from his left pocket, that is, two knives and a third item, partially obscured under the two additional pocket knives, which Kalis observed to be a clear plastic bag of white powder. All three items were in Appellant’s left hand when he emptied the contents of his left jacket pocket.

{¶11} Trooper Kalis explained his first priority was retrieving the two pocket knives from Appellant’s hand as they constituted a threat to his safety. However, he immediately identified the clear plastic bag of white powder to be illegal drugs. Trooper Kalis testified:

I quickly, and I was hoping nonchalantly, went to the retrieve the two knives first because for officer safety that’s the most important part for me is to

retrieve his knives first. And I was intending to quickly -- to be able to retrieve that item from his hand. At that point, he quickly placed it into his mouth. Because I immediately identified it based on my training and experiences as -- of illegal narcotics, that's why I effectuated the -- or attempted to effect the arrest.

(*Id.* at p. 43-44).

{¶12} Immediately after Trooper Kalis retrieved the two pocket knives from Appellant's hand, Appellant, with an uninterrupted sweeping motion, shoved the third item in his mouth and ingested it. After Appellant shoved the third item in his mouth, Trooper Kalis attempted to firmly grasp Appellant's left hand and handcuff him, but Appellant pulled his left arm out of Trooper Kalis's reach. Trooper Kalis, who was behind Appellant, took hold of both of Appellant's arms but Appellant did not capitulate.

{¶13} As a consequence, Trooper Kalis wrestled Appellant to the ground and placed him in handcuffs. In the midst of the struggle (dashboard camera footage 2:00:54 a.m. to 2:01:57 a.m.), Trooper Kalis enlisted his Bluetooth-enabled police radio to request backup. Both men nearly fall onto the highway as Appellant resists Trooper Kalis's efforts to place Appellant in handcuffs. While on the ground, Trooper Kalis and Appellant are obscured from the view of motorists by the patrol car.

{¶14} Trooper Kalis conceded he did not ask Appellant to identify the third item after Appellant shoved it in his mouth. According to Trooper Kalis, he did not explain to Appellant the reason that he was being wrestled to the ground, because Appellant swallowed a clear plastic bag of white powder that Trooper Kalis believed to contain illegal drugs. Although virtually no audio is discernable on the dashboard camera footage, but for police radio calls, Appellant can be heard asking, "What are you doing?" as Trooper Kalis wrestles him to the ground.

{¶15} According to Trooper Kalis, he struggled to secure Appellant for roughly one minute. Trooper Kalis explained a traffic stop on Route 11 involves some degree of danger given the 65-mile-per-hour speed limit. He further explained the physical altercation on Route 11 was especially dangerous given the late hour and the potential that the struggle could have spilled out onto the highway. He added, "[i]n this area, in

particular, there's the split to go 80 westbound or 680 southbound, as well as continue on 11, which turns into 80 also. And so it's an area where there's a lot of accidents." (Trial Tr., p. 28).

{¶16} The subsequent search of Appellant's inside jacket pocket yielded a clear plastic bag containing a crystalline substance. The subsequent search of Appellant's vehicle yielded the barrel of a pen with the ink reservoir, tip, and end cap missing, and bearing a white residue. Trooper Kalis, who had performed over one hundred previous drug arrests, explained a hollowed pen barrel with white residue indicates use of the seemingly-innocuous item for drug inhalation. The search of the automobile also yielded a white rock in the passenger compartment.

{¶17} The seized items were packaged and sent to the OSHP laboratory in Columbus for testing. The laboratory report admitted into evidence identified the crystalline substance to be 1.3881 grams of Methamphetamine, a Schedule II controlled substance. The hollowed pen barrel was not tested. The white rock was tested and no controlled substance was detected. The third item, which Appellant ingested, was never recovered.

{¶18} An ambulance was dispatched to transport Appellant to the hospital for medical testing. According to Trooper Kalis, medical attention was necessary due to Appellant's ingestion of the third item, which Trooper Kalis believed to be illegal drugs. According to Appellant, he underwent testing for both suspected ingestion of drugs and a possible concussion, as his head was bleeding as a consequence of being wrestled to the ground.

{¶19} While in the rear of the ambulance, Trooper Kalis testified Appellant had burn marks on his lips. Trooper Kalis explained:

Removing the top part of a pen to make it a hollow item such as a – a straw like. And then with white residue, that indicates that something was being inhaled through it that track the residue to the inside of a pen or the inside a hollow object.

(*Id.* at p. 24).

{¶20} Appellant testified he was the subject of a traffic stop on Route 11 on April 20, 2024. He explained he has manual windows and was fidgeting looking for the hand crank to lower the window for Trooper Kalis when Appellant accidentally activated the windshield wipers.

{¶21} Appellant admitted ingesting the third item but identified it as a “Frootie.” Frooties are individually-wrapped fruit-flavored chews. Appellant further admitted he ingested the Frootie with no intention of providing it to law enforcement at a later time.

{¶22} Appellant confessed an affinity for Frooties, particularly the sour-cherry and grape flavored varieties. More specifically, he testified, “I just had [Frooties] everywhere. It just -- my pockets are usually filled with wrappers.” (*Id.* at p. 64).

{¶23} Appellant testified Trooper Kalis wrestled him to the ground without explanation. As a consequence, Appellant had no understanding of why he was being taken down. Appellant did not think putting something in his mouth and ingesting it during a traffic stop would alarm a law enforcement officer. Appellant denied resisting Trooper Kalis’s effort to place Appellant in handcuffs.

{¶24} Appellant conceded there is a significant difference in appearance in a clear plastic bag of white powder and a Frootie, although he noted the inside of Frootie wrappers are white. Appellant further conceded when he put the third item in his mouth he intended to ingest it, and had no intention of making it available later (e.g., regurgitating for inspection). Trooper Sekola testified he asked Appellant while they sat in the patrol car after his arrest to identify the third item. According to Trooper Sekola’s testimony, Appellant responded it was “some type of candy.” (*Id.* at p. 50).

{¶25} At the conclusion of Appellant’s direct-examination, he was asked “as a result of the examinations that occurred at the hospital did you have -- was it found that you had any narcotic or contraband *on* you.” (Emphasis added). Appellant responded, “no.” (*Id.* at p. 60).

{¶26} The following exchange occurred on cross-examination:

Prosecutor:	I'm going to start where we finished there. The scans and stuff at the hospital that you say found nothing <i>on</i> you?
-------------	---

Appellant: Correct.

Prosecutor: Do you have any record of that?

Appellant: Yes, sir.

Prosecutor: Where is it?

Appellant: Right there (indicating).

Defense counsel: Okay. Do you have it?

Appellant: There's 140 pages from the --

Prosecutor: I don't have anything.

(WHEREUPON, the court reporter interrupted the proceedings.)

Defense counsel: Do you have anything that he did?

Prosecutor: No.

Defense counsel: No? Okay.

Prosecutor: All right. I'll move on.

Appellant: These are my records from Mercy Health.

(Emphasis added). (*Id.* at p. 61). The records from Mercy Health were not offered into evidence.

{¶27} After closing arguments, the trial court found Appellant guilty on all five counts. At a sentencing hearing conducted on January 23, 2026, the trial court imposed the following sentences: a prison term of twenty-four months on the tampering with evidence conviction; a prison term of twelve months on the aggravated possession of drugs conviction; a prison term of twelve months on the obstructing official business conviction; a jail term of ninety days on the resisting arrest conviction; and a jail term of

thirty days for the illegal use or possession of drug paraphernalia conviction, all sentences to be served concurrently, for an aggregate prison term of twenty-four months.

{¶28} This timely appeal followed.

ASSIGNMENT OF ERROR

APPELLANT’S CONVICTIONS WERE AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.

In determining whether a criminal conviction is against the manifest weight of the evidence, an [a]ppellate court must review 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 trier of fact clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed. *State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997); *State v. Hunter*, 131 Ohio St.3d 67, 2011-Ohio-6524, 960 N.E.2d 955, ¶ 119. . . .

The weight to be given to the evidence and the credibility of the witnesses are nonetheless issues for the trier of fact. *State v. DeHass*, 10 Ohio St.2d 230, 227 N.E.2d 212 (1967). The trier of fact “has the best opportunity to view the demeanor, attitude, and credibility of each witness, something that does not translate well on the written page.” *Davis v. Flickinger*, 77 Ohio St.3d 415, 418, 674 N.E.2d 1159 (1997).

State v. Smith, 2026-Ohio-359, ¶ 57 (7th Dist.), appeal not allowed, 2026-Ohio-2109, quoting *State v. T.D.J.*, 2018-Ohio-2766, ¶ 47-48 (7th Dist.).

{¶29} Appellant contends his tampering with evidence conviction is against the manifest weight of the evidence because: (1) the trial court should not have credited Trooper Kalis’s identification of the third item as illegal drugs, because of the limited time Trooper Kalis had to identify the third item before Appellant shoved it in his mouth; (2) the third item was never recovered despite the state’s ability to get a search warrant for the contents of Appellant’s stomach; and (3) the third item was candy based on the fact that

there was a visible bulge in Appellant's cheek and he was chewing as Trooper Kalis wrestled to place Appellant in handcuffs.

{¶30} R.C. 2921.12(A)(1) reads, “[n]o person, knowing that an official proceeding or investigation is in progress, or is about to be or likely to be instituted, shall do any of the following: (1) Alter, destroy, conceal, or remove any record, document, or thing, with purpose to impair its value or availability as evidence in such proceeding or investigation.”

{¶31} Based on the statutory language, we find the state was not required to prove the third item was illegal drugs, only potential evidence. In *State v. Dell*, 2000 WL 1051844 (12th Dist. July 31, 2000), the state alleged Dell ingested crack cocaine during a traffic stop. The alleged crack cocaine was hidden under Dell's tongue until he was ordered to open his mouth and raise his tongue, at which time he swallowed it. The Twelfth District opined:

Appellant's argument focuses on the evidence he introduced showing that he suffered no ill effects from ingesting the object Officer Rawlins saw beneath his tongue, thus contradicting the state's theory that the object he swallowed was cocaine. However, this argument misses the point. Regardless of whether or not the object appellant swallowed was cocaine, the state introduced evidence from which the jury could reasonably find all of the crime's elements.

After executing the traffic stop, police officers stood questioning appellant about his expired driver's license and the outstanding arrest warrant. Appellant knew that an official proceeding or investigation was underway. Appellant's action in swallowing the object under his tongue was an act that altered, destroyed, and concealed a thing, thus impairing its availability for use as evidence. The tampering statute does not require that the thing tampered with be cocaine or any other illegal substance or thing, only that it be potential “evidence.” Thus, whether or not the object appellant destroyed was cocaine is immaterial to his conviction of tampering with evidence.

Id. at *5.

{¶32} Assuming *arguendo* that the state was required to show the thing that was altered, destroyed, or concealed was evidence of a crime, the trial court could have concluded the third item was illegal drugs based on Trooper Kalis’s testimony. Appellant contends there was a visible “bulge” in his cheek on the dashboard camera footage, and he is chewing. He argues an inference can be drawn from the foregoing facts that the third item was candy. However, neither fact is established by the dashboard camera footage. Even if the facts were discernable from the dashboard camera video, they are subject to many inferences, including inferences that support Trooper Kalis’s testimony.

{¶33} Finally, we decline to fashion a rule that the item at issue must be recovered, through a search warrant or by other means, to survive a challenge based on the manifest weight of the evidence. The Fourth District has reasoned:

Although there are cases that reference defendants having the contents of their stomach pumped, and although Appellant argues the State never introduced medical records regarding what happened once he arrived at the hospital, it seems an onerous burden to require action by the State in order to be able to establish that tampering with evidence took place.

State v. Greeno, 2021-Ohio-1372, ¶ 30 (4th Dist.). The Eighth District has likewise opined that recovery of the evidence is not necessary to sustain a tampering with evidence conviction. *State v. Caute*, 2009-Ohio-5222, ¶ 74 (8th Dist.).

{¶34} Based on the foregoing analysis, we find the manifest weight of the evidence supports the conclusion that Appellant ingested a thing with the purpose to impair its value or availability as evidence in Trooper Kalis’s investigation. Accordingly, we find the trial court did not lose its way in convicting Appellant of one count of tampering with evidence.

{¶35} R.C. 2921.31(A) reads in relevant part: “[n]o person, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official’s official capacity, shall do any act that hampers or impedes a public official in the performance of the public official’s lawful duties.” If a violation of the foregoing section creates a risk of physical harm to any person, obstruction of official business is a felony of the fifth degree.

{¶36} The term “physical harm” means “any injury, illness, or other physiological impairment, regardless of its gravity or duration.” R.C. 2901.01(A)(3). The term “risk” means “a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.” R.C. 2901.01(A)(7). Appellant contends there was no risk of physical harm on an empty highway.

{¶37} Upon seeing Appellant shove the third item into his mouth, Trooper Kalis attempted to retrieve Appellant's left hand and place him into handcuffs. However, Appellant pulled away and Trooper Kalis took Appellant to the ground in order to secure Appellant's hands. Although Appellant denied pulling away from Trooper Kalis, the body camera footage belies Appellant's testimony. Of equal import, the struggle on the ground lasted approximately one minute. Appellant delayed Trooper Kalis's authorized act and hampered it by pulling away from him and actively attempting to avoid being handcuffed while Trooper Kalis was performing his lawful duties.

{¶38} “Courts have determined that a defendant's attempt to flee that leads to a brief scuffle or wrestling with police is sufficient to hamper or impede the officer's performance of his lawful duties.” *State v. Pineda*, 2021-Ohio-1540, ¶ 106 (11th Dist.), citing *State v. Gordon*, 2017-Ohio-7147, ¶ 22 (9th Dist.). The Eleventh and Ninth Districts have likewise found a risk of physical harm can be established when an officer must restrain a suspect. *Pineda* at ¶ 113; *Gordon* at ¶ 22. Even assuming there was no traffic on Route 11 at the time of the struggle, there is a risk of physical injury whenever a suspect must be taken to the ground and obscured from the view of oncoming traffic. Consequently, we find the trial court did not lose its way in convicting Appellant of one count of felony obstruction of official business.

{¶39} Next, Appellant argues his convictions for aggravated possession of drugs and illegal use or possession of drug paraphernalia are not supported by the manifest weight of the evidence because the state failed to offer evidence of actual or constructive possession.

The possession of drugs can be actual or constructive. *State v. Carter*, 7th Dist. Jefferson No. 97-JE-24, 2000 WL 748140, *4 (May 30, 2000). A person's mere presence near an area where drugs are located does not establish that he constructively possessed those drugs. *State v.*

Fry, 4th Dist. Jackson No. 03CA26, 2004-Ohio-5747, 2004 WL 2428439, ¶ 40. “ ‘It must also be shown that the person was conscious of the presence of the object.’ ” *State v. Vaughn*, 7th Dist. Mahoning, 2022-Ohio-3615, 197 N.E.3d 644, ¶ 21, quoting *State v. Hankerson*, 70 Ohio St.2d 87, 91, 434 N.E.2d 1362 (1982).

But a defendant's proximity to the drugs may constitute some evidence of constructive possession. *Id.* In addition, a defendant's conviction for drug possession can be based upon circumstantial evidence of possession. *State v. DeSarro*, 7th Dist. Columbiana No. 13 CO 39, 2015-Ohio-5470, 2015 WL 9594330, ¶ 41.

State v. Smith, 2025-Ohio-4578, ¶ 24 (7th Dist.), quoting *State v. Orrell*, 2024-Ohio-1194, ¶ 42-43 (7th Dist.).

{¶40} R.C. 2925.11 (A) reads, “[n]o person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.” Appellant contends the state failed to show he possessed the white rock found in the passenger side of his automobile. However, his drug possession conviction is predicated on the clear plastic bag containing 1.3881 grams of Methamphetamine, a Schedule II controlled substance, which was found in his inside jacket pocket. Consequently, we find the manifest weight of the evidence supports Appellant’s conviction for aggravated possession of drugs.

{¶41} R.C. 2925.14(C)(1) reads in relevant part, “[n]o person shall knowingly use, or possess with purpose to use, drug paraphernalia.” Appellant correctly argues Trooper Kalis did not identify the specific location in Appellant’s automobile where the pen barrel was found. However, Trooper Kalis’s testimony connected the pen barrel to use by Appellant based on the burn marks on Appellant’s lips. Further, Appellant did not deny he possessed or used the pen barrel during his testimony. Accordingly, we find the manifest weight of the evidence supports Appellant’s convictions for use or possession with purpose to use drug paraphernalia.

{¶42} Finally, R.C. 2921.33(A) reads “[n]o person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another.” “An arrest occurs when the following four requisite elements are involved: (1) [a]n intent to arrest, (2) under a real

or pretended authority, (3) accompanied by an actual or constructive seizure or detention of the person, and (4) which is so understood by the person arrested.” (Internal citations omitted). *State v. Darrah*, 64 Ohio St.2d 22, 26 (1980).

{¶43} A “lawful arrest” is an essential element of the crime. *State v. Collins*, 1999 WL 182505, *3 (7th Dist. Mar. 31, 1999). However, the state need not prove the defendant was in fact guilty of the offense for which the arrest was made to uphold a conviction for resisting arrest. *Id.* The state need only demonstrate a reasonable basis for the arrest. The “reasonable basis” test considers whether a reasonable police officer under similar circumstances would have concluded that the defendant committed a crime suitable for arrest. *Id.*

{¶44} Appellant argues his arrest was unlawful because there was no reasonable basis for his arrest. However, Appellant concedes the lawfulness of the arrest turns on Trooper Kalis’s identification of the third item as illegal drugs. Based on the limited time Trooper Kalis had to identify the third item, Appellant argues the arrest was unlawful. As previously stated, the trial court appears to have credited Trooper Kalis’s testimony regarding the identification of the third item as illegal drugs. There is evidence in the record to support the trial court’s conclusion, that is, Trooper Kalis’s training and experience.

{¶45} Further, in *State v. Zachery*, 2021-Ohio-2176, ¶ 69 (11th Dist.), Zachery argued he could not be convicted of resisting arrest because he was not under arrest at the time he struggled with the officers. The Eleventh District explained while an element of the offense is that the arrest be lawful, “ ‘[t]he arresting officer must only have probable cause to believe that the defendant’s conduct, for which the arrest is being made, amounted to an offense.’ ” *Id.* at ¶ 70, quoting *State v. Wooden*, 2004-Ohio-5514, ¶ 32 (11th Dist.).

{¶46} In *In re M.H.*, 2021-Ohio-1041 (1st Dist.), the First District held evidence of officers’ attempts to physically restrain a detainee, along with the detainee’s protestations against her arrest, were sufficient to support a finding that the detainee knew she was under arrest. *Id.* at ¶ 32-33. In that case, the detainee had “pulled away” from an officer who had “grabbed [her] wrist,” at which point the officer took her to the ground, subdued her with the officer’s bodyweight, and attempted to place her in handcuffs. *Id.* at ¶ 30.

Although the arrestee was never told that she was under arrest, the First District held the officers' actions in grabbing and subduing her constituted "a course of conduct for which an arrest was the obvious and inevitable outcome." *Id.* at ¶ 32.

{¶47} Here, Trooper Kalis attempted to effectuate an arrest immediately after Appellant ingested the third item. Trooper Kalis testified he observed the clear plastic bag of white powder in Appellant's left hand along with two pocket knives. Based on concern for his own safety, Trooper Kalis removed the knives from Appellant's hand and secured them. Appellant's ingestion of the third item provided Trooper Kalis with a reasonable basis to arrest Appellant for tampering with evidence, given Trooper Kalis's belief that the third item was illegal narcotics. Trooper Kalis testified that he "immediately identified it based on [his] training and experiences as -- of illegal narcotics, that's why [he] effectuated the -- or attempted to effect the arrest." (Trial Tr., p. 43-44). Therefore, we find the trial court did not lose its way in convicting Appellant of one count of resisting arrest.

CONCLUSION

{¶48} For the foregoing reasons, Appellant's convictions are affirmed.

Waite, P.J., concurs.

Robb, 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 Mahoning 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.