[Cite as *State v. Kovalski*, 2026-Ohio-4637.]

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
BELMONT COUNTY

STATE OF OHIO,

Plaintiff-Appellee,

v.

OWEN C. KOVALSKI,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY
Case No. 26 BE 0030

Criminal Appeal from the
Western Division Court of Belmont County, Ohio
Case No. 25CRB00239W

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

JUDGMENT:
Affirmed.

Atty. J. Kevin Flanagan, Belmont County Prosecutor*, Atty. Jacob A. Manning,* Assistant Prosecuting Attorney, for Plaintiff-Appellee and

Atty. Felice Harris, Harris Law Firm, LLC, for Defendant-Appellant.

Dated: November 19, 2026

Robb, J.

{¶1} Defendant-Appellant Owen C. Kovalski appeals his minor misdemeanor disorderly conduct conviction entered after a bench trial in the Belmont County Court, Western Division. He contends the conviction was not supported by sufficient evidence due to a First Amendment requirement (that supplements the statutory elements). He also argues the conviction was contrary to the manifest weight of the evidence. For the following reasons, Appellant's conviction is affirmed.

STATEMENT OF THE CASE

{¶2} A complaint was filed against Appellant for disorderly conduct in violation of R.C. 2917.11(A)(2). It was alleged on March 4 through 18, 2025, Appellant "did recklessly cause inconvenience, annoyance, or alarm to another by making unreasonable noise or an offensive utterance, coarse gesture, or display or communicating unwarranted and grossly abusive language to any person." The offense was originally charged as a fourth-degree misdemeanor under R.C. 2917.11(E)(3)(b) due to being committed in the vicinity of a school. The state later amended the offense to remove this element rendering the charge a minor misdemeanor under R.C. 2917.11(E)(2). (9/2/25 J.E.); (9/2/25 Tr.) (with the state also dismissing a companion case containing a second charge of disorderly conduct). This eliminated the jury demand, but the court ordered the public defender to continue representing Appellant. (9/2/25 Tr. 3-4).

{¶3} The case was tried to the court on October 7, 2025. The testimony from staff members at a local school established the school had a procedure to move the long line of vehicles through the town and school during busy morning drop-off from 7:00 to 7:35 a.m. while ensuring the safety of the disembarking children. Approximately ten vehicles are directed to stop between the green cones at which point the children in all those vehicles are instructed to disembark and walk to the school. Those ten vehicles are to move away so another ten can fill their place. This way, cars are not moving while children are alighting from vehicles. The staff members are to encourage the students if they are hesitant in exiting vehicles. (Tr. 5, 20, 23, 32-33, 51).

{¶4} The state's first witness was the long-time music director. One of his employment obligations was morning drop-off duty, which occurred at the same spot for

both middle and high school students (fifth through twelfth grades with the ages of the children ranging from approximately eleven to eighteen). In fulfilling his duty to safely keep traffic moving, he waved children out of the vehicles and greeted them. (Tr. 4-5).

{¶5} On March 4, 2025, Appellant stopped his vehicle, but the children therein failed or refused to exit despite the vehicle being within the cones. This had occurred on prior occasions as well. Appellant thereafter moved his vehicle to the front of the queue. The music director approached the car and said, "Hey, guys, anywhere in the green cones we're supposed to get out." The two children (grades six and eight) said, "He won't let us out." At this point, Appellant exited his vehicle, stood on a running board, and gruffly yelled across the vehicle at the music director while holding up traffic in the presence/earshot of parents, children, and staff. *Id*. at 6-9.

{¶6} Appellant demanded, "What's the goddamn problem?" *Id*. at 8. He also yelled something akin to, "We're in [unspecified expletives] spot now cause we're not moving" and "What are we doing here? Now we gotta stop -- I mean now that I'm here, now we're all really stopped up." *Id*. at 6, 17. While this witness tried to advise Appellant of the process and the reasons, Appellant interjected, "that's a bunch of shit." *Id*. at 6, 8, 17.

{¶7} The music director described Appellant as "[v]ery confrontational" saying he was yelling and/or screaming and causing a "very odd" situation that he had never experienced before in his 15 years performing drop-off duty. *Id*. at 9, 16. He noted the context of the profanity in the words Appellant yelled at him in the setting of a school line and the phraseology made it personal and "absolutely" offensive to him. *Id*. at 14. He decided to disengage with Appellant and call the school resource officer, who was a city police officer stationed at a crosswalk ahead in the parking lot, to ask if he could try to explain the rules to Appellant. *Id*. at 7, 9, 49.

{¶8} The school resource officer testified he approached Appellant's window when it stopped at the crosswalk and asked why he was using foul language, which was not permitted on school property, and why the kids said he would not let them out of the vehicle. *Id*. at 49. Appellant said he was unhappy the kids were being told when to exit, and the officer advised him this was a staff duty. *Id*. at 50.

{¶9} Appellant then called the middle school principal to complain about the music director telling cars to stop or kids to get out. *Id*. at 32. The call was on speakerphone with the school resource officer present. The officer testified Appellant acknowledged he used foul language while arguing about this in the drop-off line. *Id*. at 51.

{¶10} The principal testified to the school policy on student profanity and on parent conduct at events. *Id*. at 44, 46. He also testified Appellant did not deny he used the "F word" that day. *Id*. at 33-34, 44. The principal assured Appellant the procedure utilized that day was normal and warned him a person cannot direct such language at the staff in front of the children; he thought Appellant understood. *Id*. at 32-33.

{¶11} Two weeks later, on March 18, 2025, the music director was performing his morning duties. He moved to the front corner of Appellant's vehicle (near the headlight) while motioning the kids to exit the vehicle, which he described as a normal procedure. *Id*. at 10-11. When Appellant's children exited, the music director walked away to continue his duties at which point Appellant rolled down his window and aggressively said, "Hey, don't stand in front of my goddamn car." *Id*. at 11.

{¶12} To avoid escalation, the music director responded, "Have a nice day," but Appellant pulled away yelling and screaming; the music director unable to discern the precise words used. *Id*. at 11-12. Again, children and parents were present along with other staff members, one of whom testified next. *Id*. at 12.

{¶13} This witness who was also a teacher on morning drop-off duty testified to witnessing the March 18, 2025 incident. He noticed the music director motioning the children out of Appellant's vehicle because they were not exiting. From 10 to 15 yards away, he heard Appellant yelling at the music director including by declaring, "You can't stand in front of my car." *Id*. at 20-21, 24. This witness believed the outburst disrupted traffic for 20 to 30 seconds. *Id*. at 25. After the children exited and Appellant moved forward, he saw Appellant make a left U-turn and pass by them again yelling out the window. This witness, who was then 15 to 20 yards away, heard Appellant yell the word "fuck" at least twice as he passed by the line. *Id*. at 21-22. He said it is not normal for a parent to be confrontational about the drop-off procedure and he never heard a parent speak like this in the school parking lot. *Id*. at 24, 30.

{¶14} After this incident, Appellant again called the principal to file a complaint about the music director stopping cars; the school resource officer was again present for the call. *Id*. at 35, 52. Appellant was "heated" on the phone. The principal scolded Appellant for using such language within earshot of the students again, and Appellant did not deny the accusations. *Id*. at 35-36. The officer testified Appellant attempted to justify his foul language by pointing to the music director's conduct. *Id*. at 52-53. When the principal advised Appellant he was being banned from drop-off at the cones, Appellant hung up after saying, "go fuck yourselves." *Id*. at 36. Upon being asked on cross-examination if Appellant's sixth-grader had an education plan that would make it difficult to get to the school from the alternative drop-off lot (applicable after Appellant was banned), the principal opined the child would be able to handle it. *Id*. at 41, 53.

{¶15} The court issued a decision finding Appellant guilty after discussing the credibility of the witnesses as to Appellant's behavior. The court found he engaged in disorderly conduct on both days due to his speech plus conduct which took place on school property while disrupting school operations and interfering with school procedures and lawful instructions meant to maintain safety and order. (4/28/25 J.E.). The court imposed a $150 fine (plus costs). (5/13/26 J.E.).

{¶16} The within timely appeal followed. The trial court granted Appellant's request for a stay pending appeal. (6/9/26 J.E.).

ASSIGNMENT OF ERROR ONE

{¶17} Appellant sets forth two assignments of error, the first of which alleges:

"[Appellant's] conviction for Disorderly Conduct, in violation of R.C. 2917.11, a minor misdemeanor, is in violation of his First Amendment right to free speech and his right to due process of law guaranteed by Article I, Section 10 of the Ohio Constitution and the Fourteenth Amendment to the United States Constitution."

{¶18} Appellant specifies the following as the issue presented: "Whether the evidence against [Appellant] is legally insufficient to sustain his conviction." As Appellant points out, "[r]aising the question of whether the evidence is legally sufficient to support the jury verdict as a matter of law invokes a due process concern." *State v. Diar*, 2008-Ohio-6266, ¶ 113.

{¶19} The state has the burden of establishing all material elements of a crime by proof beyond a reasonable doubt. *State v. Adams*, 62 Ohio St.2d 151, 153 (1980). Whether the evidence is sufficient to sustain a conviction is a question of law dealing with adequacy, which is reviewed de novo. *State v. Thompkins*, 78 Ohio St.3d 380, 386 (1997). Involving the state's burden of production, rather than its burden of persuasion, a sufficiency analysis does not weigh witness credibility, as the legal question is whether the evidence is sufficient if it is believed. *State v. Brown*, 2025-Ohio-2804, ¶ 17.

{¶20} Sufficient evidence exists if, after construing all evidence and reasonable inferences in the light most favorable to the prosecution, any rational trier of fact could find the elements beyond a reasonable doubt. *State v. Goff*, 82 Ohio St.3d 123, 138 (1998); *Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (including reasonable inferences). In considering each element, it must be remembered that circumstantial evidence inherently possesses the same probative value as direct evidence. *State v. Treesh*, 90 Ohio St.3d 460, 485 (2001) (including intent, which dwells in the minds and may be established by conduct before, during, and after).

{¶21} Appellant was charged with disorderly conduct under division (A)(2) of the disorderly conduct statute, which has the following elements: "No person shall recklessly cause inconvenience, annoyance, or alarm to another by doing any of the following . . . (2) Making unreasonable noise or an offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language to any person . . ." R.C. 2917.11(A)(2).

{¶22} "A person acts recklessly when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature." R.C. 2901.22(C). "A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that such circumstances are likely to exist." *Id*.

{¶23} Appellant challenges the sufficiency of the evidence to meet the "fighting words" test inserted by case law to ensure the statute complies with the First Amendment. The state agrees this is akin to an "additional element" the Ohio Supreme Court "essentially added" to division (A)(2) of R.C. 2917.11 to ensure constitutionality on free

speech grounds. *See City of Eastlake v. Kirkpatrick*, 2007-Ohio-6945, ¶ 22 (11th Dist.) (finding sufficient evidence the defendant's words were likely to incite potential listeners by considering the sensitivity of the scene).[1]

{¶24} That is, in upholding the constitutionality of R.C. 2971.11(A)(2) against a First Amendment challenge, the Ohio Supreme Court instructed courts to construe this subdivision "in light of the facts and circumstances surrounding a case involving speech" so that:

> A person may not be punished under R.C. 2917.11(A)(2) for "recklessly caus(ing) inconvenience, annoyance, or alarm to another," by making an "offensively coarse utterance" or "communicating unwarranted and grossly abusive language to any person," unless the words spoken are likely, by their very utterance, to inflict injury or provoke the average person to an immediate retaliatory breach of the peace.

State v. Hoffman, 57 Ohio St.2d 129 (1979), syllabus.

{¶25} In so stating, the *Hoffman* Court observed, "The United States Supreme Court has stated that no matter how rude, abusive, offensive, derisive, vulgar, insulting, crude, profane or opprobrious spoken words may seem to be their utterance may not be made a crime unless they are "fighting words" as defined by that tribunal." *Id*. at 131. For instance, speech constitutes fighting words if it contains "epithets likely to provoke the average person to retaliation, and thereby cause a breach of the peace." *Chaplinsky v. New Hampshire*, 315 U.S. 568, 574 (1942) (no First Amendment violation for conviction involving use of words "damn racketeer" and "damn Fascist').

{¶26} "The question for this court then is whether under the circumstances a reasonable person would find appellant's language annoying or alarming and would be provoked to immediately breach the peace." *State v. Dotson*, 133 Ohio App.3d 299, 303 (7th Dist. 1999) (this standard is objective rather than subjective and the listener need not actually be provoked into a retaliatory breach of peace). In this court's *Dotson* case, a defendant upset about a parking ticket yelled, "Give me the fucking ticket" and then

[1] In the cited case finding sufficient evidence, after a child was bitten by a dog, the dog owner's mother who previously left the area on police instruction, returned to the scene saying, "[y]ou cock-suckers, you didn't have to . . . shoot the fucking dog" and, after being told to stop yelling and to leave,"[y]ou're all motherfuckers." *Kirkpatrick*, 2007-Ohio-6945, at ¶ 4 (11th Dist.).

repeatedly said, "Fuck you." The officer told her to watch her language and lower her voice in public. He thereafter followed her vehicle, prompting her to raise her middle finger and repeatedly yell out her window "fuck you" as well as calling him a "motherfucker." *Id*. at 301. We reversed on sufficiency grounds saying a reasonable person under the circumstances would not be provoked to breaching the peace. *Id*. at 303 (and noting as a factor that the officer was not actually provoked, albeit not a requirement for fighting words).

{¶27} Distinguishably (and as noted in a case Appellant cites), "Ohio consistently cautions that law enforcement officers must have a thicker skin than the public as a whole." *State v. Starr*, 2026-Ohio-587, ¶ 20 (1st Dist.), quoting *State v. Beamer*, 2012-Ohio-2222, ¶ 18 (5th Dist.). This case also pointed out hostile or threatening conduct accompanying the profane utterances can be a dispositive consideration in favor of fighting words. *Id*. at ¶ 21 (as opposed to mere profane utterances to an officer).

{¶28} Here, the police officer, who was working as a school resource officer, was merely a supplemental witness to Appellant's acknowledgement of the two incidents, the reasons therefor, and his angry use of foul language toward a staff member in the school drop-off line. The officer's testimony also helped establish Appellant was warned about his language in front of the children and about why his angry complaints were unwarranted because the process was part of the official school procedure for a safe and timely drop-off. The officer told Appellant in person just after the first incident and was thereafter present for the principal's phone call from Appellant that day (and the day of the subsequent incident).

{¶29} The testimony indicated that even before the first incident, Appellant previously ignored the procedure involving the children being required to alight from the vehicles when they initially stop within the space between the green cones. On the day of the first incident at issue, the testimony indicated Appellant refused to let his children exit the vehicle as directed and thereafter moved his car to a different spot within the cones against the policy. When the music director performed his official duty of reminding the vehicle occupants of the policy of disembarking while stopped within the green cones, the children informed him of Appellant's refusal to let them comply with the rule. Appellant

then exited his vehicle, stood high on the running board, and yelled while holding up traffic.

{¶30} Demanding, "What's the goddamn problem" and yelling expletives about the procedure while calling the musical director's explanation "a bunch of shit" was very confrontational to the music director, not just subjectively (according to his testimony) but also objectively, to a reasonable person under the circumstances. His disobedience and exiting his car while holding up the line was more than speech; it was conduct plus speech. In addition, there were other staff members present and parents dropping their children off (while following directions so as to move the heavy morning drop-off traffic through the town and through the school lot in a timely and safe manner). Furthermore, there were children preparing to enter the school, some as young as eleven years old but all of whom are banned from and disciplined for any use of profanity at school.

{¶31} Instead of approaching Appellant and scolding him, as a staff member may reasonably decide to do, the music director disengaged (also a reasonable choice). This one listener's deescalating choice does not detract from how "odd" and abnormal this was to him in the school drop-off setting, which process he had many years of experience directing. The music director was alarmed enough to call the school resource officer posted further down the line of traffic, who personally advised Appellant of the impropriety of his behavior and the incorrectness of his protest. The middle school principal's testimony confirmed Appellant was advised of the school policies and warned about the improper language and conduct on school grounds in protest of the drop-off policy after the first incident (when Appellant called him).

{¶32} And yet, two weeks later, Appellant felt compelled to further disobey the instructions and again loudly protest the music director's implementation of the drop-off policy while violating the warning on foul language directed at staff on school property in front of the children. During this second incident, he aggressively demanded the music director not step in front of his "goddamn" car to motion the children, acting as if he could personally set his own policy on parking and essentially announcing the music director lacked authority to follow school policy on child safety.

{¶33} Appellant did not stop there. He then made a U-turn and came back past the drop-off line while yelling out of his window, including using the word "fuck" at least

twice. The fact that the music director heard Appellant yelling and screaming as he drove away but did not catch Appellant's precise words did not detract from the fact that his fellow morning drop-off director (the testifying teacher) distinctly heard Appellant yelling "fuck" at least twice from 15 to 20 yards away during Appellant's final drive past. His continued aggressiveness was clearly on display with no end in sight in a scenario envisioning he would be returning day after day to essentially insist he could enter and leave the line as he saw fit while screaming at those who would deign to enforce school policies.

{¶34} Considering the prior incident, the additional offensively coarse and abusively unwarranted language and behavior would serve to reasonably increase the alarm of an observer (in addition to inconvenience and annoyance). Although the standard elements are not really being disputed here, a rational person could find Appellant recklessly caused inconvenience, annoyance, or alarm to another person by making an offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language to any person under R.C. 2917.11(A)(2).

{¶35} Further, in evaluating such utterances under the circumstances surrounding them, some rational person could find the words "inflict injury or provoke the average person to an immediate retaliatory breach of the peace." *State v. Hoffman*, 57 Ohio St.2d 129 (1979), syllabus at paragraphs one and two (defining fighting words definition and instructing courts to consider all surrounding circumstances). The words are not viewed in isolation but in conjunction with the recent and present conduct, the setting, and the presence and identity of others. *See id*. As long as "any" rational person could find the elements beyond a reasonable doubt after viewing all evidence along with reasonable inferences in favor of the state, then there is legally sufficient evidence. *Jackso*n, 443 U.S. at 319; *Goff*, 82 Ohio St.3d at 138. The various items of circumstantial evidence possess the same probative value as the direct evidence. *Treesh*, 90 Ohio St.3d at 485.

{¶36} The case before us is not about mere profanity or even about profanity being clearly used to emphasize anger and intimidate others. *See, e.g., State v. Harbarger*, 2011-Ohio-5749, ¶ 10 (12th Dist.) (rejecting sufficiency and weight challenges upon concluding conduct was disorderly under R.C. 2917.11(A)(2) not merely because of the language the defendant used, but because of the disturbance he caused on school

property, which is expected to be a safe haven with observed reverence). This is a middle and high school drop-off line on school property directly in front of the school doors. The morning traffic situation is intense. As a result and to protect the safety of children around continually moving traffic while ensuring children are not disembarking while other cars are moving, an orderly procedure was developed and implemented.

{¶37} Moreover, Appellant was in a vehicle, moving and stopping without following instructions on child disembarkation and protection and while loudly yelling profanities in an aggressive and upset manner criticizing the music director for doing his duties (after a prior similar occasion where he stepped out of his vehicle and stood on his running board to yell down at the same staff member). Appellant's combined conduct and speech was disruptive to the process despite being previously educated and warned on the drop-off and language policies. It is not improper to consider the sensitive location and time with parents trying to get their children to what they hope is a secure school on time and in a safe manner. *See id*. at ¶ 10-11 ("Exhibiting this type of behavior on school grounds while in the presence of children simply cannot be tolerated" in a case involving loud, disruptive step-parent arguing with a staff member about official policy on child safety procedure).

{¶38} In addition to the other staff member present for Appellant's yelling of profanities at the music director for his enforcement of school policy also enforced by other staff, as discussed above, Appellant's speech and conduct were loudly on clear display for other parents and children. It would not be objectively unreasonable to anticipate the likelihood of another parent immediately deciding to intervene and retaliate so as to breach the peace in order to protect their child from this protestor of the safety protocols or to protect their child from listening to profanity directed at an authority figure at school (who was publicly denigrated for merely exercising his authority to ensure children exit when instructed and ushering them from cars while greeting them). Nor would it be unreasonable to envision high school students getting embroiled in the argument in defense of their music director or the policy that assists themselves and their parents from having to wait as long in traffic (or get up as early to navigate the traffic). The objectively likely retaliation can be a form of retaliatory breach of peace other than a literal fistfight; e.g., it could include throwing objects at the speaker.

{¶39} We also note the defendant's speech and conduct need not be calculated to provoke retaliation and need not be purposeful or knowing. Some commentators have interpreted the Supreme Court precedent as not requiring a mental state for the fighting words definition, i.e., strict liability if likely to provoke. However, even applying the recklessness mens rea applicable to the statutory elements on the utterance or language, a rational trier of fact could conclude Appellant, "with heedless indifference to the consequences, . . . disregard[ed] a substantial and unjustifiable risk that [his] conduct is likely to cause a certain result or is likely to be of a certain nature [or] such circumstances [qualifying for the offense] are likely to exist." R.C. 2901.22(C) (defining recklessness). And again, the listeners need not actually be provoked into a retaliatory breach of peace. *Dotson*, 133 Ohio App.3d at 303 (7th Dist.).

{¶40} We conclude "in light of the facts and circumstances surrounding [this] case involving speech" including reasonable inferences, there is sufficient evidence to allow some rational person to find beyond a reasonable doubt that the utterances and language in violation of R.C. 2917.11(A)(2) additionally "were likely, by their very utterance, to inflict injury or provoke the average person to an immediate retaliatory breach of the peace." *See Hoffman*, 57 Ohio St.2d 129 at syllabus. Under such analysis, this assignment of error is overruled.

ASSIGNMENT OF ERROR TWO

{¶41} Appellant's second assignment of error contends:

"[Appellant's] conviction is against the manifest weight of the evidence."

{¶42} Weight of the evidence deals with the effect of the evidence in inducing belief; it 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." *Thompkins*, 78 Ohio St.3d at 387. A manifest weight of the evidence review considers whether the state met its burden of persuasion. *Id.* at 390 (Cook, J., concurring) (as opposed to the burden of production involved in a sufficiency or legal adequacy review).

{¶43} When a defendant claims the conviction is contrary to the manifest weight of the evidence, the appellate court reviews 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 trier of fact 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. Lang*, 2011-Ohio-4215, ¶ 220, citing *Thompkins* at 387. A reversal on manifest weight grounds is limited to the "exceptional" case, one where the evidence weighs "heavily" against the judgment. *Id*. "[T]he weight to be given the evidence and the credibility of the witnesses are primarily for the trier of the facts." *State v. Hunter*, 2011-Ohio-6524, ¶ 118, quoting *State v. DeHass*, 10 Ohio St.2d 230 (1967), paragraph one of the syllabus.

{¶44} We incorporate our factual review set forth in our Statement of the Case and under the prior assignment of error. We emphasize the trial court found the four state witnesses to be credible. In the bench trial, the judge occupied the best position from which to judge witness credibility by observing gestures, voice inflection, and demeanor. *Seasons Coal Co. v. Cleveland*, 10 Ohio St.3d 77, 80 (1984). The trial court had the ability to make reasonable inferences and weigh direct as well as circumstantial evidence. Although another fact-finder would be within its province to weigh the evidence and conclude the burden of persuasion was not met, when more than one competing interpretation of the evidence is available and the one chosen by the fact-finder is not unbelievable, we do not choose which theory we believe is more credible and impose our view over that of the trier of fact. *State v. Baker*, 2020-Ohio-7023, ¶ 148 (7th Dist.).

{¶45} After reviewing the entire record and weighing the evidence, including witness credibility and all reasonable inferences, we do not find this is the exceptional case where the trial court clearly lost its way in resolving any conflicts and created such a manifest miscarriage of justice that a new trial must be ordered. *See Lang*, 2011-Ohio-4215, at ¶ 220, citing *Thompkins*, 78 Ohio St.3d at 387. The decision to convict Appellant of disorderly conduct is not contrary to the manifest weight of the evidence. This assignment of error is overruled.

{¶46} For the foregoing reasons, the trial court's judgment convicting Appellant of minor misdemeanor disorderly conduct is affirmed.

Hanni, J., concurs.

Dickey, J. concurs.

For the reasons stated in the Opinion rendered herein, the assignments of error are overruled and it is the final judgment and order of this Court that the judgment of the Western Division Court of Belmont County, Ohio, is affirmed. Costs to be taxed against the Appellant.

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.