

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

C.A. No. 2025CA0061-M

Appellee

v.

VICTORIA CANTRELL

APPEAL FROM JUDGMENT
ENTERED IN THE
WADSWORTH MUNICIPAL COURT
COUNTY OF MEDINA, OHIO
CASE No. CRB2400553

Appellant

DECISION AND JOURNAL ENTRY

Dated: September 30, 2026

STEVENSON, Judge.

{¶1} Defendant-Appellant Victoria Cantrell appeals the judgment of the Wadsworth Municipal Court finding her guilty of assault. For the following reasons, this Court affirms.

I.

{¶2} Ms. Cantrell was charged with assault in violation of R.C. 2903.13(A), a misdemeanor of the first degree. She pleaded not guilty and the matter proceeded to a bench trial.

{¶3} S.W. testified that she worked at Altercare of Wadsworth (“Altercare”) with Ms. Cantrell and that the two were working together on December 2, 2024. According to S.W., she informed Ms. Cantrell that she was having to do “a little extra than what [she] was supposed to [be doing]” and Ms. Cantrell responded with “a smart remark.” S.W. decided that she was going to leave work early that day to “avoid altercation” with Ms. Cantrell. S.W. went to the nurses’ station to fill out paperwork before leaving.

{¶4} S.W. testified that Ms. Cantrell “proceeded to talk to [her] and say nasty things” while she was sitting on a stool at the nurses’ station completing paperwork. She testified that Ms. Cantrell then proceeded to pull her off the stool and hit her. According to S.W., she did nothing to provoke Ms. Cantrell. S.W. acknowledged that she had one verbal altercation with Ms. Cantrell prior to December 2, 2024, but she testified that nothing physical had occurred between the two prior to this incident.

{¶5} S.W. testified that she sustained “[a] busted lip” that was “bleeding really bad” in the incident and that her injury hurt. Photographs of S.W.’s lips and face were introduced at trial and admitted into evidence.

{¶6} S.W. provided a written statement to the police, and her statement was admitted into evidence at trial. S.W. wrote in her statement that Ms. Cantrell came to the nurses’ station and “punched [her]” and that the two “were tussling.”

{¶7} Susan Bowers was a supervisor at Altercare and she testified that she witnessed the December 2, 2024, incident. Ms. Bowers testified that she saw S.W. “filling out paperwork, getting ready to go home” when Ms. Cantrell “came around . . . and . . . attacked [S.W.]” When asked what she meant by “attacked,” Ms. Bowers testified:

So we have this little stool – doesn’t have a back – that the girls sit on and chart paperwork, . . . and [S.W.] was sitting on it and [Ms. Cantrell] snatched her off of it. . . . [Ms. Cantrell] had [S.W.] pinned to the floor, hitting her[.]

Ms. Bowers was able to separate Ms. Cantrell and S.W. “[a]fter a few minutes.” Ms. Bowers testified that “[t]here was blood everywhere” after the incident, that S.W.’s “face was busted up[.]” and that S.W.’s “lip was split.”

{¶8} Ms. Bowers provided a written statement to the police, and her written statement was admitted into evidence at trial. Ms. Bowers read her statement on the record, which stated:

[S.W.] was sitting [at the] desk getting ready to leave. [Ms. Cantrell] came to use toilet. [Ms. Cantrell] said something to [S.W.]; I told her to stop that [S.W.] was going home. [Ms. Cantrell] said good [and] kept saying not so nice things [and S.W.] said she was leaving [and Ms. Cantrell] grabbed her off [the] stool [and] proceeded to beat on her.

{¶9} Ms. Bowers testified on cross-examination that she never saw S.W. approach, push, or swing at Ms. Cantrell prior to the incident. She testified that she “saw [Ms. Cantrell] grab [S.W.] around the neck, pull her to the floor, pin her to the floor, and proceed to hit her.”

{¶10} City of Wadsworth Police Officer Anthony Merlene was dispatched to Altercare in response to a call that “two female employees were actively fighting.” Officer Merlene testified that an employee informed him when he arrived that Ms. Cantrell had left the premises. He testified that a search of the property was conducted for Ms. Cantrell’s vehicle and that her vehicle was not located.

{¶11} Officer Merlene took pictures of S.W.’s injuries. He testified that S.W. “had some redness to her nose and cheek . . . along with . . . there being blood, and her upper lip was split wide open.” Officer Merlene did not observe any injuries on S.W. that would lead him to believe that S.W. threw punches or that she did anything physical towards Ms. Cantrell.

{¶12} Ms. Cantrell testified in her defense at trial. She testified that she had argued with S.W. prior to December 2, 2024, when S.W. offended her and insinuated that she “wasn’t doing [her] job[.]” Ms. Cantrell testified that S.W. offended her on December 2, 2024, when she “told [her] about the residents that she got up[.]” again insinuating that Ms. Cantrell was not doing her job. Ms. Cantrell decided that she was not going to put up with S.W. that day and that she was going to leave work. Ms. Cantrell “had a job interview for a different job the next day anyway,” and was not worried about any repercussions from leaving work early.

{¶13} Ms. Cantrell testified that her coat was at the nurses’ station and that S.W. and Ms. Bowers were sitting at the nurses’ station when she went to get her coat to leave. Ms. Bowers allegedly said at the nurses’ station that Ms. Cantrell and S.W. had to figure out how to get along. Ms. Cantrell was “not doing that” and she “turned back around and grabbed [her] coat.”

{¶14} Ms. Cantrell testified that S.W. stood up and pushed her when she went to grab her coat. She contends that she “dodged” S.W.’s first swing and that she pushed “[Ms. Bowers] into [S.W.’s] other hit so [S.W.] wouldn’t hit [her][.]” Ms. Cantrell testified that she “proceeded to hit [S.W.]” only after S.W. had already swung at her two times. She contends that she pulled herself and S.W. up “by her hair” after the physical altercation.

{¶15} Ms. Cantrell denies leaving Altercare immediately after the altercation. She testified that she “moved very slowly, . . . because, honestly, I was trying to wait for [the police officer] to come in.” She contends that “everybody pushed [her] and rushed [her] out” after the incident and that she talked to a resident “[f]or about twenty minutes” before leaving Altercare.

{¶16} The court found Ms. Cantrell guilty of assault and sentenced her to 180 days in jail, with all 180 days suspended provided she comply with the terms of one-year community control. She was ordered to have no contact with S.W., engage in anger management counseling, and perform 24 hours of community service. Fines and court costs were also imposed. Ms. Cantrell appeals, asserting four assignments of error for this Court’s review.

II.

ASSIGNMENT OF ERROR I

MS. CANTRELL WAS DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL IN VIOLATION OF THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 10 OF THE OHIO CONSTITUTION.

{¶17} Ms. Cantrell argues in her first assignment of error that she was denied the effective assistance of counsel. She maintains that trial counsel was ineffective as he failed to file a notice of self-defense pursuant to Crim.R. 12.2 and he “failed to seek a continuance or other remedial relief when it became clear that the trial court would exclude self-defense evidence due to lack of notice.” We disagree.

{¶18} “[I]n Ohio, a properly licensed attorney is presumed competent.” *State v. Gondor*, 2006-Ohio-6679, ¶ 62. To prevail on a claim of ineffective assistance of counsel, Ms. Cantrell must establish (1) that her counsel's performance was deficient to the extent that “counsel was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment” and (2) “that the deficient performance prejudiced the defense.” *Strickland v. Washington*, 466 U.S. 668, 687 (1984). A deficient performance is one that “fall[s] below an objective standard of reasonable representation[.]” *State v. Bradley*, 42 Ohio St.3d 136 (1989), paragraph two of the syllabus. The United States Supreme Court has stated that a court, however,

must indulge a strong presumption that counsel’s conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action “might be considered sound trial strategy.”

Strickland at 689, quoting *Michel v. Louisiana*, 350 U.S. 91, 101 (1955). To establish prejudice, Ms. Cantrell must show that there existed “a reasonable probability that, but for [her] counsel's error, the outcome of the proceeding would have been different.” *State v. Sowell*, 2016-Ohio-8025, ¶ 138. Both prongs under *Strickland* must be established to support an ineffective assistance of counsel claim. *Strickland* at 687.

{¶19} Ms. Cantrell argues that “self-defense was plainly the central theory of the defense” and that “[t]here is no reasonable strategic justification for [counsel’s] fail[ure] to file a Crim.R. 12.2 notice[.]” She argues that because “no notice was filed, . . . the trial court refused to consider

[her] testimony that S.W. initiated the physical confrontation[.]” Ms. Cantrell maintains that “the outcome of the bench trial would have been different” if “self-defense [had] been properly preserved and considered[.]”

{¶20} The State argues that “[t]here was absolutely zero evidence to suggest [Ms. Cantrell] was acting in self-defense and so [her] trial counsel was not ineffective in not raising it as an affirmative defense prior to trial.” It points out that the trial court still allowed Ms. Cantrell to testify over objection to her point of view and her claim that S.W. had pushed and swung at her.

{¶21} The elements of self-defense are:

(1) that the defendant was not at fault in creating the situation giving rise to the affray; (2) that the defendant had a bona fide belief that he [or she] was in imminent danger of death or great bodily harm and that his [or her] only means of escape from such danger was in the use of such force; and (3) that the defendant did not violate any duty to retreat or avoid the danger.

(Bracketed text in original.) *State v. Messenger*, 2022-Ohio-4562, ¶ 14, quoting *State v. Barnes*, 94 Ohio St.3d 21, 24 (2002). “A defendant satisfies [her] burden of establishing self-defense when ‘the defendant's evidence and any reasonable inferences about that evidence would allow a rational trier of fact to find all the elements of a self-defense claim when viewed in the light most favorable to the defendant[.]’” *State v. Williams*, 2026-Ohio-2363, ¶ 14 (9th Dist.), quoting *Messenger* at ¶ 25.

{¶22} The trial court allowed Ms. Cantrell to testify as to her point of view on what happened on December 2, 2024. Ms. Cantrell testified that she was grabbing her coat to leave work when S.W. “pushed [her][,]” causing her to “stumble[] back[.]” According to Ms. Cantrell, S.W. then started swinging at her. Ms. Cantrell testified that she hit S.W. only *after* S.W. pushed and swung at her, explaining:

I didn’t just go off and hit [S.W.]. She pushed me first. I don’t just go around just hitting people. That doesn’t make sense.

{¶23} Assuming without deciding that counsel’s failure to file a notice of self-defense constituted deficient performance, Ms. Cantrell has made no showing that she was prejudiced. The trial court permitted Ms. Cantrell to testify as to her point of view and she testified that she pushed and swung at S.W. only *after* S.W. had swung at her. Hence, the trial court heard her testimony that S.W. initiated the confrontation. Ms. Cantrell has not shown that she suffered prejudice and, consequently, this Court cannot conclude that she received ineffective assistance from trial counsel. Ms. Cantrell’s first assignment of error is overruled.

ASSIGNMENT OF ERROR II

THE TRIAL COURT ERRED BY ENFORCING OHIO CRIMINAL RULE 12.2 IN A MANNER THAT EXCLUDED OR REFUSED TO CONSIDER SELF-DEFENSE AS A DEFENSE-THEORY WITHOUT ADEQUATELY EXERCISING ITS “INTEREST OF JUSTICE” DISCRETION, THEREBY DENYING MS. CANTRELL A MEANINGFUL OPPORTUNITY TO PRESENT HER DEFENSE.

{¶24} Ms. Cantrell argues in her second assignment of error that the trial court erred and denied her a meaningful opportunity to present her defense because it did not consider “in any meaningful way” her arguments of self-defense at trial. We disagree.

{¶25} Crim.R. 12.2, titled “Notice of self-defense” provides

Whenever a defendant in a criminal case proposes to offer evidence or argue self-defense, . . . the defendant shall, not less than . . . fourteen days before trial in a misdemeanor case, give notice in writing of such intent. . . . If the defendant fails to file such written notice, the court may exclude evidence offered by the defendant related to the defense, unless the court determines that in the interest of justice such evidence should be admitted.

“Accordingly, ‘under Crim.R. 12.2, a trial court has discretion whether to exclude a defendant’s evidence of self-defense after the defendant fails to file the requisite notice, and an appellate court reviews the trial court’s determination for an abuse of discretion.’” *State v. Kashat*, 2026-Ohio-2254, ¶ 51 (11th Dist.), quoting *State v. Hawkins*, 2024-Ohio-1253, ¶ 11 (1st Dist.). An abuse of

discretion is something more than an error of law or in the exercise of judgment; “it implies that the court’s *attitude* is unreasonable, arbitrary or unconscionable.” (Emphasis added.) *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983). When applying this standard, a reviewing court is precluded from simply substituting its judgment for that of the trial court. *Pons v. Ohio State Med. Bd.*, 66 Ohio St.3d 619, 621 (1993).

{¶26} Although *Blakemore* is often cited as the general standard for reviewing discretionary decisions, the Ohio Supreme Court has provided additional guidance about the nature of an abuse of discretion:

Stated differently, an abuse of discretion involves more than a difference in opinion: the “‘term discretion itself involves the idea of choice, of an exercise of the will, of a determination made between competing considerations.’” *State v. Jenkins*, 15 Ohio St.3d 164, 222 [](1984), quoting *Spalding v. Spalding*, 355 Mich. 382, 384 [](1959). For a court of appeals to reach an abuse-of-discretion determination, the trial court’s judgment must be so profoundly and wholly violative of fact and reason that “‘it evidences not the exercise of will but perversity of will, not the exercise of judgment but defiance thereof, not the exercise of reason but rather of passion or bias.’” *Id.*, quoting *Spalding* at 384-385[].

State v. Weaver, 2022-Ohio-4371, ¶ 24.

{¶27} Ms. Cantrell acknowledges that she did not file a notice of self-defense as required by Crim.R. 12.2. Notwithstanding the absence of notice, she asserts that the trial court erred in failing to consider self-defense and that it should have done so “in the interest of justice.” *See* Crim.R. 12.2. She argues that “[b]y refusing to evaluate the testimony through the lens of self-defense, the court prevented [her] from presenting her defense in any meaningful way.” The State points out that the trial court allowed Ms. Cantrell to testify as to her point of view of what happened in the altercation and to cross-examine the State’s witnesses “about who started the affray.” It contends that the trial court “properly acted within its discretion by allowing [Ms.

Cantrell] to present her defense without unfairly shifting the burden of proof to the State to prove beyond a reasonable doubt that [Ms. Cantrell] did not use force in self-defense.”

{¶28} In this case, after Ms. Cantrell testified in her own defense and explained her version of the relevant events. The trial court considered her testimony and it stated when rendering its verdict and addressing Ms. Cantrell:

I’m also going to find that you’re not credible. In other words, I didn’t believe your testimony.

{¶29} Upon a review of the record, we cannot conclude that the trial court acted in an unreasonable, arbitrary, or unconscionable manner when it acted within its discretion and enforced Crim.R. 12.2. *Blakemore*, 5 Ohio St.3d at 219. Even if we assume, without deciding, that the trial court abused its discretion when it enforced Crim.R. 12.2, she has not established that the error was anything other than harmless. *State v. Watson*, 2011-Ohio-2882, ¶ 15 (9th Dist.) (“[E]ven assuming, without deciding, that the trial court abused its discretion in calling the witnesses as court’s witnesses, [the appellant] has not established that the error was anything other than harmless.”). Crim.R. 52(A) governs harmless error and provides that “[a]ny error, defect, irregularity, or variance which does not affect substantial rights shall be disregarded.” “Whether the defendant’s substantial rights were affected depends on whether the error was prejudicial, i.e., whether it affected the outcome of the trial.” *State v. Jones*, 2020-Ohio-3051, ¶ 18. We cannot say that any error in the trial court in enforcing Crim.R. 12.2 affected the outcome of trial. Ms. Cantrell’s second assignment of error is overruled.

ASSIGNMENT OF ERROR III

THE TRIAL COURT ERRED IN DENYING MS. CANTRELL’S CRIM.R. 29 MOTION BECAUSE THE STATE FAILED TO PRESENT SUFFICIENT EVIDENCE THAT SHE KNOWINGLY CAUSED OR ATTEMPTED TO CAUSE PHYSICAL HARM[.]

{¶30} Ms. Cantrell argues in her third assignment of error that the trial court erred when it denied her Crim.R. 29 motion for acquittal. We disagree.

{¶31} “There is no difference between the standard of review for a challenge to the sufficiency of the evidence and that for a motion for acquittal under Crim.R. 29.” *State v. Rivera*, 2023-Ohio-1788, ¶ 37 (9th Dist.). The issue of whether a conviction is supported by sufficient evidence is a question of law, which we review de novo. *State v. Thompkins*, 78 Ohio S.3d 380, 386 (1997). When considering a challenge to the sufficiency of the evidence, the court must determine whether the prosecution met its burden of production. *Rivera* at ¶ 37. The Ohio Supreme Court explained this Court’s role as follows:

An appellate court’s function when reviewing the sufficiency of the evidence to support a criminal conviction is to examine the evidence admitted at trial to determine whether such evidence, if believed, would convince the average mind of the defendant’s guilt beyond a reasonable doubt. 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.

State v. Jenks, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus.

{¶32} Ms. Cantrell does not dispute that she was involved in a physical altercation with S.W. Ms. Cantrell acknowledged at trial that she “hit” S.W. and that she “pulled her up by her hair” after the altercation. She argues that the State failed to present evidence as to how the altercation began and that she acted with intent. It is her position that the State failed to establish that she knowingly caused or attempted to cause physical harm to S.W. The State points to the testimony of Ms. Bowers, who witnessed the incident, and S.W. It argues that it established that Ms. Cantrell started the physical encounter and she knowingly caused or attempted to cause physical harm to S.W.

{¶33} Ms. Cantrell was found guilty of assault in violation of R.C. 2903.13(A). R.C. 2903.13(A) provides that “[n]o person shall knowingly cause or attempt to cause physical harm to another” R.C. 2901.22(B) describes the culpable mental state required to prove a violation of R.C. 2903.13(A):

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.

{¶34} Viewing the evidence in a light most favorable to the prosecution, there was sufficient evidence to support the trial court’s assault conviction. Contrary to Ms. Cantrell’s contention that “[n]o witness testified that [she] initiated the physical encounter[.]” Ms. Bowers testified that she witnessed the incident and that Ms. Cantrell started the altercation when she “snatched” S.W. off a stool and started “hitting her[.]” Ms. Bowers testified that she never saw S.W. approach, push, or swing at Ms. Cantrell prior to the incident. S.W. similarly testified that Ms. Cantrell initiated the incident when she pulled her off a stool and started hitting her. She testified that she did not make any prior threats towards Ms. Cantrell nor did she swing at Ms. Cantrell before she was pulled off the stool and hit. Officer Merelene testified that the injuries he observed were consistent with an assault.

{¶35} Based on a thorough review of the record, this Court concludes that there is sufficient evidence upon which the court could reasonably conclude that all elements of assault in violation of R.C. 2903.13(A) were established beyond a reasonable doubt. Accordingly, we cannot say the trial court erred when it denied Ms. Cantrell’s Crim.R. 29 motion for judgment of acquittal. Ms. Cantrell’s third assignment of error is overruled.

ASSIGNMENT OF ERROR IV

MS. CANTRELL’S CONVICTION IS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE[.]

{¶36} Ms. Cantrell argues in her fourth assignment of error that her assault conviction is against the manifest weight of the evidence. We disagree.

{¶37} When considering a challenge to the manifest weight of the evidence, this Court is required to consider 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 and a new trial ordered.” *State v. Otten*, 33 Ohio App.3d 339, 340 (9th Dist. 1986). “A reversal on this basis is reserved for the exceptional case in which the evidence weighs heavily against the conviction.” *State v. Croghan*, 2019-Ohio-3970, ¶ 26 (9th Dist.). This Court “will not overturn a conviction as being against the manifest weight of the evidence simply because the trier of fact chose to believe the State's version of events over another version.” *State v. Barger*, 2016-Ohio-443, ¶ 29 (9th Dist.).

{¶38} Ms. Cantrell again argues incorrectly in her fourth assignment of error that “[n]o witness testified that [she] initiated the physical encounter.” It is her position that “[t]he State’s case rested almost entirely on limited and internally thin testimony, while [she] provided a consistent account of how the altercation began and why she acted as she did.” The State points to the testimony of Ms. Bowers, S.W., and Officer Merlene and argues that it “met its burden of persuasion in this matter.”

{¶39} Having reviewed the record, we cannot conclude that Ms. Cantrell’s conviction of assault is against the weight of the evidence. First her claim is based on the faulty assertion that no one else witnessed the incident. While Ms. Cantrell testified that S.W. initiated the physical

altercation, witness Ms. Bowers testified that Ms. Cantrell initiated the altercation when she “snatched” S.W. off a stool and started “hitting her[.]” S.W. also testified that Ms. Cantrell initiated the altercation when she pulled her off the stool and started hitting her. Officer Merlene testified that he observed S.W.’s injuries and that he could not locate Ms. Cantrell after the incident. Ms. Cantrell mischaracterizes this evidence and otherwise does not establish it is not credible.

{¶40} Lastly, it is well-established that “a trier of fact enjoys the best position to assess the credibility of witnesses.” *State v. Tyus*, 2020-Ohio-4455, ¶ 57 (9th Dist.). “As the trier of fact in a bench trial, the trial court ‘determines the credibility of witnesses and the weight to be given the evidence.’” *Quester v. Quester*, 2024-Ohio-1456, ¶ 34 (9th Dist.), quoting *State v. Lavery*, 2001-Ohio-1638, *2 (9th Dist. Oct. 24, 2001). The trial court judge stated that she did not find Ms. Cantrell to be credible. Ms. Cantrell has not met her burden to establish that the trial court’s credibility determination was incorrect.

{¶41} Based on our review of the record and the applicable law, we cannot conclude that this is an exceptional case where the trial court clearly lost its way in finding that Ms. Cantrell was guilty of assault. Accordingly, we conclude that Ms. Cantrell’s conviction is not against the weight of the evidence and her fourth assignment of error is overruled.

III.

{¶42} Based on the foregoing, Ms. Cantrell’s assignments of error are overruled, and the judgment of the Wadsworth Municipal Court is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Wadsworth Municipal Court, County of Medina, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

SCOT STEVENSON
FOR THE COURT

HENSAL, P. J.
SUTTON, J.
CONCUR.

APPEARANCES:

YU KIM-REYNOLDS, Attorney at Law, for Appellant.

JARED C. ROBERTS, Attorney at Law, for Appellee.