

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-080128
	:	TRIAL NO. C-07CRB-26568
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
	:	
GIOVANNI FANNIN,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Following a bench trial, defendant-appellant Giovanni Fannin was convicted of obstructing official business. Fannin now appeals. In two assignments of error, Fannin argues that his conviction was not supported by sufficient evidence and was against the manifest weight of the evidence.

R.C. 2921.31(A) provides that “[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.”

At trial, the state presented evidence that a police officer had been investigating a theft complaint involving Fannin’s continued possession of a car well beyond the scope of its owner’s permission. During his week-long investigation, the officer had had several conversations with Fannin about the car. According to the

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

officer, Fannin had given him “multiple reasons why he was holding the property against the will of the property owner.”

In speaking with the officer, Fannin claimed that he did not know where the car was located, but then he listed several potential locations for the car. Finally, Fannin agreed that he would deliver the car to the police station within a week.

Fanning failed to return the car within the agreed time. Instead, he claimed that he did not know where the car was. When the officer confronted Fanning about a citation that had been issued in relation to the car, Fannin then admitted that he knew exactly where the car was, and that he had arranged for someone to hold the car for him.

We hold that a rational trier of fact, viewing the evidence in a light most favorable to the state, could have found that the state had proved beyond a reasonable doubt all elements of the charged crime, including that Fannin had purposely obstructed the officer in the performance of his duties.² Moreover, our review of the record does not persuade us that the trial court clearly lost its way and created a manifest miscarriage of justice in finding Fannin guilty.³ Therefore, we overrule the assignments of error and affirm the trial court’s judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

SUNDERMANN, P.J., PAINTER and HENDON, JJ.

To the Clerk:

Enter upon the Journal of the Court on October 29, 2008
per order of the Court _____
Presiding Judge

² See *State v. Jenks* (1991), 61 Ohio St.3d 259, 574 N.E.2d 492, paragraph two of the syllabus.

³ *State v. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541.