

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

STATE OF OHIO,	:	APPEAL NO. C-110075
	:	TRIAL NO. B-1004021
Plaintiff-Appellee,	:	
	:	JUDGMENT ENTRY.
vs.	:	
WILLIAM STRINGER,	:	
Defendant-Appellant.	:	
	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

Cincinnati police received a tip that there was a dead body on property of defendant-appellant William Stringer. Stringer had contacted an acquaintance and had asked him to help to take the body to Kentucky. Stringer gave a uniformed officer permission to enter the yard under the guise of investigating a prior property damage incident. While on the property, the officer found the body under a blue tarp. Stringer admitted that he had shot the man, dragged the body into the back yard, and covered it with a tarp. He later claimed that the shooting had been in self-defense. He had attempted to dig a grave for the body, but was unable to complete the task. The body had been left in the yard and had begun to rot.

In eight assignments of error, defendant appeals his convictions for murder, tampering with evidence, and abuse of a corpse. We affirm the trial court's judgment. We will address the issues in a different order than presented by Stringer.

In his first assignment of error, Stringer claims that the consent he had given to allow the officer onto his property had been invalid because the officer had lied about his purpose for entering. In *State v. Pi Kappa Alpha*, 23 Ohio St.3d 141, 491

N.E.2d 1129 (1986), the Ohio Supreme Court held that government officers are not allowed to deceptively gain entry to a private home or office without a warrant. But in that case, the government agents had lied about their identity, saying that they were alumni of the fraternity and wanted to check out the house because their brother was thinking about joining. In this case, the police officer did not conceal his identity. This case is more like *State v. Eastman*, 164 Ohio App.3d 585, 2005-Ohio-6624, 843 N.E.2d 245 (8th Dist.). In that case, the court found that the entry was valid when a police officer, wanting to look for drugs, had asked to enter a house in order to get out of the rain. As in this case, the property owner was free to deny entrance onto the property. *Id.* at ¶ 28.

Stringer also claims that the warrant that was subsequently obtained was invalid because most of the information was based on tips received over the telephone. But the warrant was also based upon the finding of the dead body. Since the police had been properly on the property when the body had been found, the information provided was sufficient to support issuance of the warrant.

For the foregoing reasons, we overrule Stringer's first assignment of error.

In his second assignment of error, Stringer claims that the trial court erred in allowing the alternate juror to be present in the jury room during deliberations. Since he did not object, Stringer must demonstrate plain error. The trial court instructed the alternate that he was not to participate in deliberations. Additionally, the alternate was only present during the first part of the deliberations, and was excused when deliberations continued after a weekend break. Under these circumstances, we hold that there was no plain error, and we overrule Stringer's second assignment of error. *See State v. McGhee*, 1st Dist. No. C-080801, 2009-Ohio-4887, ¶ 19.

In his fourth assignment of error, Stringer claims that the trial court should have allowed him to call a witness who would testify that some of the state's witnesses had fabricated their story. Three inmates of the Hamilton County Justice Center testified that they had been contacted by Stringer and had been asked to kill one of the witnesses in the case. Stringer wanted to call a witness who would testify that he heard the witnesses conspire to fabricate the story in order to win favorable treatment in their cases. Evid.R. 613(B) provides that extrinsic evidence of a prior inconsistent statement may be admissible where the witness is afforded an opportunity to explain the prior statement and the opposing party is afforded an opportunity to interrogate the witness thereon. Since Stringer did not confront the three witnesses with this information before seeking to introduce the testimony through another witness, the trial court properly denied the request to present the testimony to the jury. Stringer's fourth assignment of error is overruled.

In his fifth assignment of error, Stringer claims that he should have been allowed to present evidence of the mental health of the victim to bolster his claim of self-defense. The victim had a history of mental health issues, and aggressive and bizarre behavior. In order to offer such evidence, however, it must be shown that Stringer had knowledge of specific instances of the victim's conduct. *State v. Vinson*, 11th Dist. No. 2006-L-238, 2007-Ohio-5199, ¶ 81. *See also, State v. Woodruff*, 11th Dist. No. 96-L-111, 1997 Ohio App. LEXIS 6036 (Dec. 31, 1997), *State v. Eng*, 2nd Dist No. 14015, 1994 Ohio App. LEXIS 4655 (Sept. 30, 1994). Since Stringer did not know the victim prior to the incident, the trial court did not err in excluding this testimony. Alternately, we note that other evidence of the victim's history was allowed such that Stringer was able to make his self-defense argument. Thus, any error would have been harmless. Stringer's fifth assignment of error is overruled.

In his sixth assignment of error, Stringer claims that his trial was impermissibly tainted by prosecutorial misconduct. We disagree. Comments made by the prosecutor regarding the fact that Stringer kept changing his story were proper. The statement made in closing argument that the only way to get “reliable information” was from Stringer, who failed to provide it, was also proper. The comment was related to his changing story. And, since Stringer testified at trial, it was not a comment on his decision not to take the stand. Further, while there were some comments that could have been interpreted as vouching for the credibility of witnesses, the trial court instructed the jury that “attorneys are not permitted to vouch for the truthfulness of any individuals testifying.” We overrule Stringer’s sixth assignment of error.

In his seventh assignment of error, Stringer claims that the trial court improperly instructed the jury on self-defense. We have reviewed the instructions given to the jury on self-defense and the Castle Doctrine, and we find them to be a complete and accurate statement of the law. The decision not to give the version proposed by Stringer was not improper. *See State v. Houston*, 1st Dist. No. C-090536, 2010 Ohio-2397, ¶ 20. We overrule Stringer’s seventh assignment of error.

In his eighth assignment of error, Stringer claims that his convictions were not supported by sufficient evidence or were against the manifest weight of the evidence. *See State v. Thompkins*, 78 Ohio St.3d 380, 678 N.E.2d 541 (1997). Based upon the significant evidence against him, we cannot agree that the convictions were improper or that the jury should have agreed with Stringer’s self-defense claim. We overrule Stringer’s eighth assignment of error.

In his third assignment of error, Stringer claims that he received an excessive sentence. We have reviewed the record and conclude that the sentences imposed for the offenses were within the statutory ranges, and that the trial court did not abuse

its discretion. See *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, 896 N.E.2d 124, ¶¶ 14-17. While, as Stringer notes, he may well die in prison due to his age and poor health, the crimes were particularly gruesome, and the evidence that he had attempted to hire inmates to silence witnesses indicated that the prison term was proper. We overrule Stringer's third assignment of error.

Having considered and overruled all assignments of error, we affirm the judgment of the trial court.

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.

**CUNNINGHAM, P.J., DINKELACKER and FISCHER, JJ.**

To the clerk:

Enter upon the journal of the court on May 30, 2012

per order of the court \_\_\_\_\_  
Presiding Judge