

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

STATE OF OHIO,	:	APPEAL NOS. C-150670
		C-150673
Plaintiff-Appellee,	:	TRIAL NOS. 14CRB-23985B
		14CRB-23985C
vs.	:	
		<i>JUDGMENT ENTRY.</i>
DEMETRIUS HOLDER,	:	
Defendant-Appellant.	:	

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Following a jury trial, defendant-appellant Demetrius Holder was found guilty of failure to disclose personal information and resisting arrest. He now appeals, arguing in one assignment of error that his convictions were not supported by sufficient evidence and were against the manifest weight of the evidence.

On August 18, 2014, Hamilton County Sheriff's Deputy Kenneth Pendleton had been monitoring jury selection in room 580 of the courthouse when the courtroom proceedings were interrupted by a loud disturbance in the hallway. Deputy Pendleton went to investigate the disturbance, which he described as yelling from down the hall. Deputy Pendleton's investigation led him to Holder, who he found sitting on a bench in the hallway. Holder refused approximately ten-12

requests from the deputy to identify himself, stating that he could be as loud as he wanted and that he did not have to identify himself. Deputy Pendleton informed Holder that he had the right to ask for identification because he was investigating a courtroom disruption, which he testified could potentially result in charges for contempt and disorderly conduct.

Holder continued to refuse to provide identification, and, after requesting backup assistance, Deputy Pendleton decided to place him under arrest for failure to disclose personal information. As Deputy Pendleton attempted to handcuff Holder, he jerked his arm away and stated “you guys aren’t taking me, I’m not going anywhere.” Holder further became very agitated and confrontational, and his voice began to escalate. In response, Deputy Pendleton pulled out his taser and aimed it at Holder’s chest. With the assistance of a second deputy, Deputy Pendleton was able to handcuff Holder.

Following our review of the record, we find that the jury could have reasonably found all the elements of failure to disclose personal information under R.C. 2921.29 and resisting arrest under R.C. 2921.33 proven beyond a reasonable doubt. *See State v. Martin*, 20 Ohio App.3d 172, 175, 485 N.E.2d 717 (1st Dist.1983). And this was not the rare case in which the jury lost its way and created such a manifest miscarriage of justice in convicting Holder that his convictions must be reversed. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). Holder’s convictions were supported by sufficient evidence and were not against the manifest weight of the evidence.

Holder’s assignment of error is overruled, and the judgment of the trial court is affirmed.

OHIO FIRST DISTRICT COURT OF APPEALS

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

HENDON, P.J., CUNNINGHAM and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on August 17, 2016
per order of the court _____.
Presiding Judge