[Cite as *State v. Norwood*, 2012-Ohio-1413.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 10AP-1130 (M.C. No. 2010 CR B 011065)
Dawn Norwood,	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on March 30, 2012

Richard C. Pfeiffer, Jr., City Attorney, and *Mary Lynn Caswell*, for appellee.

Yeura Venters, Public Defender, and *Allen V. Adair*, for appellant.

APPEAL from the Franklin County Municipal Court

CONNOR, J.

{¶1} Defendant-appellant, Dawn Norwood, appeals from the judgment of the Franklin County Municipal Court finding her guilty of falsification and using sham legal process. For the following reasons, we affirm.

{¶2} On April 29, 2010, appellant entered the clerk's office on the second floor of the Franklin County Municipal Court. Appellant testified she entered through the door for the public (Tr. 254), but the deputy clerk testified he believed she entered through the door for attorneys and law enforcement. (Tr. 169, 180.) Marissa Akamine, an assistant manager in the clerk's office testified that there are three entrances to the office, the first closest to the elevators being a secured entrance for employees, followed by an exit, a public entrance, and an entrance marked with a sign for use by law enforcement and attorneys. Although the sign is on the inside of the door, the door is

generally open unless there is wind or noise from the lobby. There are two computer terminals on the public side of the counter and one on the law enforcement side.

{¶3} Appellant was dressed in a two-piece brown casual business suit on April 29, 2010. She approached the side of the counter that was marked for attorneys and law enforcement filings only. Appellant had a complaint to file. (State's exhibit No. 3.) Romero Townsend was the deputy clerk who accepted the typed complaint from appellant. Townsend reviewed the complaint and it appeared to be valid so he processed it.

{¶4} Townsend testified he believed that appellant was a law enforcement officer because the complaint was completed in a professional manner and because appellant presented herself at the counter as if she knew what she was doing. (Tr. 171.) The complaint had a four-digit badge number listed and a correct name for the charge. He did not see that there were "x"s marked on parts of the complaint, for example, at the bottom, one marked on "badge number" and one on the words "issuing officer." (State's exhibit No. 3.) Townsend administered the short form of the oath used for law enforcement officers and watched as appellant signed the complaint "D.M. Brown." Townsend signed the back of the complaint to authorize the issuance of a warrant.

{¶5} After appellant left, Townsend began entering the complaint information into the computer and noticed the street address was unfamiliar. He believed the address was an unknown police substation and he entered the officer as unknown, but still listed the agency as Columbus Police Department.

{¶6} During cross-examination, Townsend admitted that he did not ask appellant if she was a law enforcement officer, she was not wearing a police uniform, she did not say she was a police officer and she did not display a police badge. (Tr. 179.) Townsend was counseled and disciplined in failing to follow-up on the complaint and issuing the arrest warrant when the officer badge number and officer name did not match. (Tr. 73, 87.)

{¶7} On May 1, 2010, pursuant to the arrest warrant, appellant's ex-husband, Larry T. Brown was arrested. (State's exhibit No. 4.) He posted bond on May 2, 2010. (State's exhibit No. 5.)

{¶8} Akamine testified that most police departments do not include letters in badge numbers and none she knew used the letter "N." Law enforcement officers generally did not write their home addresses on the complaint but, rather, use "CPD" and "120 Marconi" as the address.

{¶9} On Saturday, May 8, 2010, appellant returned to the clerk's office with two more complaints. Deputy Clerk Ashlea Glaser testified that appellant entered through the public door and approached the counter for attorneys and law enforcement. Appellant presented State's exhibit Nos. 10A and 10B, charges against her ex-husband filed on warrants. Glaser testified she thought appellant looked like a law enforcement officer that she had previously seen in the building. Glaser initially believed the complaints were properly completed and not out of the ordinary. However, after appellant left, Glaser noticed the badge number and officer name would not match in the computer and "Google Maps" indicated that the address listed was a residence. (Tr. 200.) Glaser contacted a supervisor regarding the complaints.

{¶10} Glaser's supervisor, Jonathan Kopech, a controller in the clerk's office, referred the complaints to the duty judge because of the inconsistencies on the complaints. Subsequently, he received a phone call from a person he assumed was the person who had filed the complaints, who was inquiring why the charges had not yet been filed and the warrants issued, and he explained that the duty judge needed to review it as a matter of course when there was an inconsistency.

{¶11} Director Robert Tobias of the Prosecution Resources Unit, testified regarding procedures at the Columbus City Prosecutor's Office. Tobias testified that in order for a private citizen to file a complaint for a criminal charge, the complaint must be reviewed by a reviewing official to determine that the requisite probable cause exists. Tobias stated that State's exhibit No. 3 was not prepared by his office staff. Tobias stated that, on April 26, 2010, appellant signed into his office to see a prosecutor but left before being interviewed. Appellant had signed into the prosecutor's office 21 times previously and met with an intake officer on 16 of those occasions. On 13 of those times, the paperwork was reviewed by a prosecutor for probable cause and charges were filed 3 times.

{¶12} The final witness for the prosecution was Bradley Morrow, a Columbus police detective for the domestic violence unit. On May 9, 2010, Deputy Clerk Mike Pizzuro asked Morrow for help in identifying a person who had filed charges and Pizzuro could not identify the person as a prosecutor or a law enforcement officer. Morrow returned to his office and was able to identify appellant and as he was returning to the second floor to inform Pizzuro, he saw appellant speaking with Pizzuro and overheard their conversation. Appellant told Pizzuro she was not a lawyer and she did not trust the prosecutor's office. She had some handwritten pages she wanted to give to the judge to sway him in the probable cause determination. In Morrow's opinion, appellant seemed confused regarding why she could not file the complaints since she had previously filed charges.

{¶13} Appellant testified that she is the mother of two sons, ages 12 and 7 years old. On April 24, 2010, she was released from jail and returned home to find it had been vandalized. She called the police and filed a report. The police told her to go to the prosecutor's office which was very crowded. After waiting awhile, she remembered she had filed charges against her ex-husband on her own in 2004. She left the prosecutor's office and went to the clerk's office and asked for several copies of the complaint forms in case she made some mistakes and then went to the law library located in the building. She completed the form over the next several days using the law books and the police report. She used her maiden name because she wanted no association with her ex-husband. She explained that she placed "x"s over the issuing officer and badge number to indicate that she was not an officer. But she put the last four numbers of her social security number to identify herself, in the event of more than one "D.M. Brown." She testified that when she entered the clerk's office to file the complaint, she did not see any employees, but then Townsend's head appeared above the counter and he met her at the counter. He took the complaint and she swore it was true. Later, she filed the other complaints because she was in the law library and "stumbled upon a few more things that I felt fit the description of how my children and I were being victimized." (Tr. 258.)

{¶14} The second time she attempted to file the complaints, the clerk's office was busy. When an employee was free, she motioned to help appellant. Later, she telephoned the clerk's office to ask why the complaints were not yet showing on the

computer and she was told that when a private citizen files a complaint it has to go through a process and be submitted to a judge for a probable cause determination.

{¶15} When she talked to Pizzuro, she told him she was not a police officer. She testified that she never had an intention to mislead and that she was not trying to impersonate a police officer and not trying to use sham legal process.

{¶16} Appellant was charged with impersonating a peace officer, falsification and using sham legal process, all related to the April 29, 2010 complaint. After a jury trial, she was found not guilty of impersonating a peace officer but guilty of falsification and using sham legal process. Concurrent 60-day jail sentences were imposed. Appellant filed a timely notice of appeal and asserts five assignments of error:

> [I.] The court erroneously refused to instruct the jury they were to disregard the issue of probable cause.
>
> [II.] Appellant's conviction for using sham legal process was not supported by sufficient evidence.
>
> [III.] Appellant's falsification conviction was not supported by legally sufficient evidence.
>
> [IV.] The trial court erroneously overruled appellant's motion for acquittal pursuant to Criminal Rule 29.
>
> [V.] Both appellant's using sham legal process and falsification convictions were against the manifest weight of the evidence.

{¶17} By her first assignment of error, appellant contends that the trial court erroneously refused to instruct the jury that they were to disregard the issue of probable cause. While the court was instructing the jury, defense counsel requested an additional charge, as follows:

> Okay. When Mr. Tobias testified, he talked about probable cause, that a complaint issued without probable cause was illegal. Kyle started to cross-examine on that issue, and there was an objection. We came back. We were informed by the Court the issue was not probable cause, to drop the issue. And later on, when Dawn was testifying, when she started to go into background details or give more details about why the charges were filed, we were also told to move

> on. And there've been no jury instructions from either side about probable cause or the necessity of probable cause.
>
> We proceeded under the assumption that probable cause was not going to be an issue. Now, at this point, the State has in their closing argument brought up the issue of probable cause; whereas, obviously, if we had been able to develop the issue, we could have presented evidence that she did have probable cause to believe that the offense had been committed.
>
> I would ask if you would add an instruction that the jury is to disregard the issue of probable cause in determining whether this was sham legal process, whether this was illegal.

(Tr. 320.)

{¶18} Following further discussion, the trial court determined:

> I am not going to give any other instructions. I am not going to give any additional instructions. I have already told the jury that the statements made by counsel, whether it be the State or Defense, are not evidence and not to be considered as such.
>
> I think that's all I need to give.
>
> Now, as far as the proffer, we will do this afterwards.

(Tr. 325.)

{¶19} Appellant argues that the requested limiting instruction was appropriate because it was an accurate statement of the law and was designed to address possible confusion of the issues. Appellant argues that, pursuant to R.C. 2945.10(E), either party in a criminal case is permitted to request special instructions and when those requested instructions are correct statements of the law, pertinent to the issues before the jury and presented in a timely manner, they should be included in substance in the general charge. *State v. Barron*, 170 Ohio St. 267 (1960). However, a request for a jury instruction after closing arguments and after the trial court instructed the jury has been held to not have been timely made. And the trial judge who did not give such an instruction did not abuse his discretion. *State v. Towns*, 35 Ohio App.2d 237 (10th Dist.1973); *State v. Brewer*, 11th Dist. No. 6-144 (July 31, 1978). Here, appellant

requested the instruction after the trial judge had instructed the jury. It was not an abuse of discretion for the judge to refuse to give the instruction.

{¶20} Moreover, when determining whether a trial court erred in its jury instructions, an appellate court reviews the instruction as a whole. *Wozniak v. Wozniak*, 90 Ohio App.3d 400, 410 (9th Dist.1993). A trial court has broad discretion in instructing the jury. *State v. Smith*, 10th Dist. No. 01AP-848 (Apr. 2, 2002). In this case, appellant requested a limiting instruction and the trial court had already given a limiting instruction that statements by counsel are not evidence and should not be considered on two separate occasions. (Tr. 9, 308.) A third instruction is unnecessary. Appellant's first assignment of error is overruled.

{¶21} By her second assignment of error, appellant contends that her conviction for using sham legal process was not supported by the evidence. The standard of review for sufficiency of the evidence is if, while 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, superseded by statute on other grounds. "In essence, sufficiency is a test of adequacy. Whether the evidence is legally sufficient to sustain a verdict is a question of law." *State v. Thompkins*, 78 Ohio St.3d 380, 386 (1997). Appellant was charged with violating R.C. 2921.52(B), sham legal process, which provides, as follows:

> No person shall, knowing the sham legal process to be sham legal process, do any of the following:
>
> * * *
>
> (2) Knowingly use sham legal process to arrest, detain, search, or seize any person or the property of another person[.]

{¶22} "Sham legal process" is defined in R.C. 2921.52(A)(4), as follows:

> "Sham legal process" means an instrument that meets all of the following conditions:
>
> (a) It is not lawfully issued.
>
> (b) It purports to do any of the following:

> (i) To be a summons, subpoena, judgment, or order of a court, a law enforcement officer, or a legislative, executive, or administrative body.
>
> (ii) To assert jurisdiction over or determine the legal or equitable status, rights, duties, powers, or privileges of any person or property.
>
> (iii) To require or authorize the search, seizure, indictment, arrest, trial, or sentencing of any person or property.
>
> (c) It is designed to make another person believe that it is lawfully issued.

{¶23} Thus, appellant was charged with knowingly using an instrument which was not lawfully issued and purports to be an order of a law enforcement officer, and designed to make the clerk believe it was lawfully issued to have her ex-husband arrested.

{¶24} Since a reviewing official did not review the complaint for probable cause, the instrument was not lawfully issued. Appellant typed her partial social security number in the badge number section and made the complaint appear as though it was prepared by a law enforcement officer. Appellant knowingly filed the complaint because she knew from past experience that police and the prosecutor's office investigate complaints before filing and require evidence or probable cause. She knew that the complaint was not lawfully issued when she completed it with her social security number in the badge number section, and made it appear as if she were a law enforcement officer.

{¶25} Appellant signed the name "D.M. Brown" as the complainant and swore to the truth of the complaint. Appellant had previously been using the name Dawn Norwood. The clerk believed that the complaint was a valid complaint filed by a Columbus police officer. The warrant was issued and the ex-husband was arrested.

{¶26} There was sufficient evidence presented, when viewed in a light most favorable to the prosecution, for any rational trier of fact to find the essential elements of sham legal process proven beyond a reasonable doubt. The complaint filed by appellant was not lawfully issued, and purported to be an order of a law enforcement officer that asserted jurisdiction over appellant's ex-husband and was designed to make

the clerk's office believe that it was lawfully issued and, in fact, the clerk did believe that it was lawfully issued and the ex-husband was arrested. Appellant's second assignment of error is overruled.

{¶27} By her third assignment of error, appellant contends that her falsification conviction was not supported by legally sufficient evidence. As just stated, the standard of review for sufficiency of the evidence is if, while 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. *Jenks*, 61 Ohio St.3d 259. Appellant was convicted of the offense of falsification as provided in R.C. 2921.13, as follows:

> (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:
>
> * * *
>
> (3) The statement is made with purpose to mislead a public official in performing the public official's official function.

{¶28} Appellant argues that the evidence is insufficient because she typed "x"s over the "issuing officer" and "badge number" sections, thereby indicating those headings were nullified. She contends that the clerk should have noticed these "x"s and inquired whether appellant was a law enforcement officer or a private citizen.

{¶29} Townsend testified that appellant was the person who entered the clerk's office on April 29, 2010 and presented the complaint for filing at 8:08 p.m. He testified that he saw appellant sign the complaint with the name "D.M. Brown" and he gave the oath and she swore to the truth of the complaint. Appellant testified that she completed the complaint with the name "D.M. Brown" as complainant and swore to the truth of the complaint. The complaint lists a badge number as "N 7093," and at the top of the complaint, "badge number" is not marked out. Again, at the bottom of the complaint, appellant listed "D.M. Brown" and a badge number "7093," although at the bottom there is an "x" typed through "issuing officer" and an "x" typed through "badge number." Townsend did not see the "x"s, only the name and badge number. He believed the

complaint to be a valid legal complaint filed by a Columbus police officer, so he processed it as such.

{¶30} The evidence provided that appellant had used the name Dawn Norwood when she filed the police report against her ex-husband. She also used Dawn Norwood when she signed into the prosecutor's office 21 times. When she filed a complaint against her husband in 2004, she used Dawn Norwood. It was only when she attempted to file these complaints in April and May 2010, that she used the name "D.M. Brown" and the last four digits of her social security number in place of a badge number.

{¶31} This evidence is sufficient, while viewing it in a light most favorable to the prosecution, to convince any rational trier of fact to find the essential elements of falsification proven beyond a reasonable doubt. Such determinations of credibility and the weight to be given to the evidence are for the trier of fact. *State v. DeHass*, 10 Ohio St.2d 230 (1967), paragraph one of the syllabus. "The choice between credible witnesses and their conflicting testimony rests solely with the finder of fact and an appellate court may not substitute its own judgment for that of the finder of fact." *State v. Awan*, 22 Ohio St.3d 120, 123 (1986). Appellant's third assignment of error is overruled.

{¶32} By her fourth assignment of error, appellant contends that the trial court erroneously overruled her motion for acquittal pursuant to Crim.R. 29. After the close of the state's evidence, the trial court denied appellant's Crim.R. 29 motion. (Tr. 236.) Initially, we note that appellant did not renew her motion at the close of all the evidence. "An accused waives his right to a directed verdict of acquittal at the close of the state's case by thereafter introducing evidence and failing to renew the motion at the close of all the evidence." *State v. DeBoe*, 62 Ohio App.2d 192, 194 (6th Dist.1977), citing *State v. Houser*, 73 Ohio App. 115 (3d Dist.1942).

{¶33} Furthermore, the standard for reviewing the trial court's denial of a motion for acquittal under Crim.R. 29 is the same test for an appellate court as it would apply in reviewing a challenge based upon the sufficiency of the evidence to support a conviction. *State v. Thompson*, 127 Ohio App.3d 511, 525 (8th Dist.1998). Crim.R. 29(A) provides, as follows:

> The court * * * shall order the entry of a judgment of acquittal of one or more offenses charged in the indictment,

> information, or complaint, if the evidence is insufficient to sustain a conviction of such offense or offenses.

{¶34} We have already determined that there was sufficient evidence to support sham legal process and falsification and, therefore, appellant's Crim.R. 29 motion was properly denied. Appellant's fourth assignment of error is overruled.

{¶35} By her fifth assignment of error, appellant contends that both her convictions for using sham legal process and falsification were against the manifest weight of the evidence. The test for determining whether a conviction is against the manifest weight of the evidence differs somewhat from the test as to whether there is sufficient evidence to support the conviction. With respect to manifest weight, the evidence is not construed most strongly in favor of the prosecution, but the court engages in a limited weighing of the evidence to determine whether there is sufficient competent, credible evidence which could convince a reasonable trier of fact of appellant's guilt beyond a reasonable doubt. *See State v. Conley*, 10th Dist. No. 93AP-387 (Dec. 16, 1993).

{¶36} " 'When a court of appeals reverses a judgment of a trial court on the basis that the verdict is against the weight of the evidence, the appellate court sits as a "thirteenth juror" and disagrees with the factfinder's resolution of the conflicting testimony.' " *State v. Wilson*, 113 Ohio St.3d 382, 2007-Ohio-2202, ¶ 25, quoting *Thompkins*, 78 Ohio St.3d at 387. In determining whether a conviction is against the manifest weight of the evidence, an appellate court reviews the entire record, weighs the evidence and all reasonable inferences and considers the credibility of the witnesses and determines whether, in resolving any conflicts in the evidence, the jury clearly lost its way and thereby created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered. *Thompkins* at 387, citing *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist.1983).

{¶37} A conviction should be reversed on manifest weight of the evidence grounds only in the most " 'exceptional case in which the evidence weighs heavily against the conviction.' " *Thompkins* at 387, quoting *Martin* at 175. " '[I]t is inappropriate for a reviewing court to interfere with factual findings of the trier of fact * * * unless the reviewing court finds that a reasonable juror could not find the

testimony of the witness to be credible.' " *State v. Brown*, 10th Dist. No. 02AP-11, 2002-Ohio-5345, ¶ 10, quoting *State v. Long*, 10th Dist. No. 96APA04-511 (Feb. 6, 1997).

{¶38} "The weight of the evidence 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." *State v. Brindley*, 10th Dist. No. 01AP-926, 2002-Ohio-2425, ¶ 16, citing *State v. Gray*, 10th Dist. No. 99AP-666 (Mar. 28, 2000). As stated, the weight to be given to the evidence and issues of credibility are for the trier of fact. *DeHass*, 10 Ohio St.2d 230.

{¶39} A defendant is not entitled to a reversal on manifest weight grounds simply because there was inconsistent evidence presented at trial. *State v. Raver*, 10th Dist. No. 02AP-604, 2003-Ohio-958, ¶ 21. "The choice between credible witnesses and their conflicting testimony rests solely with the finder of fact and an appellate court may not substitute its own judgment for that of the finder of fact." *Awan*, 22 Ohio St.3d at 123. An appellate court must give great deference to the fact finder's determination of the witness credibility. *State v. Chandler*, 10th Dist. No. 05AP-415, 2006-Ohio-2070, ¶ 19.

{¶40} Appellant argues that the verdicts were inconsistent. All three charges, sham legal process, falsification, and impersonating a peace officer, were premised on appellant having appeared at the clerk's office and presenting herself as a law enforcement officer. However, appellant argues that since she was acquitted of impersonating a peace officer, she should have been acquitted of the falsification charge because the charges were almost identical.

{¶41} The complaint charging appellant with impersonating a peace officer provided "Dawn M.B. Norwood went to the Franklin County Municipal Clerk's Office and swore out a complaint on a warrant listing herself as the issuing officer, D.M. Brown with badge number 7093." The complaint charging appellant with falsification provided, appellant did "knowingly make a false statement with the purpose to mislead a public official in performing the public official's official function to wit: Dawn M.B. Norwood went to the Franklin County Municipal Clerk's Office and swore out a complaint listing herself as the issuing officer, D.M. Brown with badge number 7093."

{¶42} The Supreme Court of Ohio has long held that inconsistent verdicts on different counts do not provide a basis for a reversal or a new trial. *United States v. Powell*, 469 U.S. 57, 68, 105 S.Ct 471, 83 L.Ed.2d 461 (1984); *State v. Adams*, 53 Ohio St.2d 223, 228 (1978), vacated on other grounds. As stated in paragraph four of the syllabus of *Browning v. State*, 120 Ohio St. 62 (1929):

> The several counts of an indictment containing more than one count are not interdependent. A verdict responding to a designated count will be construed in the light of the count designated, and no other. An inconsistency in a verdict does not arise out of inconsistent responses to different counts, but only arises out of inconsistent responses to the same count.

{¶43} Moreover, the jury's verdict was supported by competent, credible evidence. Appellant testified that she prepared and presented the documents to the clerk's office for filing. She typed and signed the document as "D.M. Brown." She admitted she listed "D.M. Brown" as the issuing officer and the last four digits of her social security number in place of the badge number. Townsend testified that appellant raised her right hand and swore to the truth of the document. Townsend testified he processed the complaint presented by appellant because he believed it to be a valid complaint filed by a Columbus police officer.

{¶44} The prosecution was able to demonstrate that there were credibility problems with appellant's testimony. Appellant testified she lived at the address listed on the complaint, East 24th, but the police report listed a Roswell address and the other times appellant had been through the intake division at the prosecutor's office, she had used the Roswell address. Appellant testified she owned three homes, including the Roswell and East 24th addresses but the East 24th home was not titled in her name. The prosecution also demonstrated that there were credibility issues regarding appellant's testimony involving her real estate credentials. Making determinations of credibility and the weight to be given to the evidence are for the trier of fact. *DeHass*, 10 Ohio St.2d 230. Given this evidence and the credibility issues, there is sufficient competent, credible evidence which could convince a reasonable trier of fact of appellant's guilt beyond a reasonable doubt.

{¶45} Appellant also argues that the trial court's instructions invited the jury's consideration of broader matters than the misconduct specifically alleged in the complaints. In essence, appellant argues that the instructions permitted the jury to consider other acts evidence. Appellant contends that the jury should have been instructed regarding similar acts testimony pursuant to Evid.R. 404(B) and R.C. 2945.59. As discussed above, appellant requested a limiting instruction regarding probable cause and we determined that the trial court did not abuse its discretion in refusing to give that instruction. The record does not reflect that appellant requested any other limiting instruction.

{¶46} Generally, the failure to object at trial or to request a specific instruction waives all but plain error with respect to the jury instructions. Crim.R. 52(B) provides that the court may consider errors affecting substantial rights even though they were not brought to the attention of the trial court. " 'Plain error is an obvious error * * * that affects a substantial right.' " *State v. Yarbrough*, 95 Ohio St.3d 227, 244, 2002-Ohio-2126, ¶108, quoting *State v. Keith*, 79 Ohio St.3d 514, 518 (1997). An alleged error constitutes plain error only if the error is obvious and, but for the error, the outcome of the trial clearly would have been different. *Yarbrough* at ¶ 108 " '[N]otice of plain error is taken with utmost caution only under exceptional circumstances and only when necessary to prevent a manifest miscarriage of justice.' " *State v. Hairston*, 10th Dist. No. 01AP-252, 2001 Ohio App.LEXIS 4399, *13, 2001 WL 1143191, *5 (Sept. 28, 2001), quoting *State v. Lumpkin*, 10th Dist. No. 01AP-567 (Feb. 25, 1990).

{¶47} Appellant concedes that some of the testimony was relevant to explain the process leading to the filing of charges and to introduce appellant's statement that she is not a peace officer. The lack of a limiting instruction does not constitute plain error and appellant's fifth assignment of error is overruled.

{¶48} For the foregoing reasons, appellant's five assignments of error are overruled and the judgment of the Franklin County Municipal Court is affirmed.

Judgment affirmed.

SADLER and TYACK, JJ., concur.

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