

In the
Supreme Court of Ohio

STATE OF OHIO, : Case Nos. 2008-1942, 2008-2170
 :
 Plaintiff-Appellant, :
 :
 v. : On Appeal from the
 : Union County
 : Court of Appeals,
 RAYNELL ROBINSON, : Third Appellate District
 :
 Defendant-Appellee. : Court of Appeals Case
 : No. 14-07-20
 :

**MERIT BRIEF OF *AMICUS CURIAE*
OHIO ATTORNEY GENERAL RICHARD CORDRAY
IN SUPPORT OF PLAINTIFF-APPELLANT STATE OF OHIO**

DAVID W. PHILLIPS (0019966)
Union County Prosecutor

RICHARD CORDRAY (0038034)
Attorney General of Ohio

MELISSA A. CHASE* (0042508)
Assistant Prosecuting Attorney
**Counsel of Record*
221 West Fifth Street, Suite 333
Marysville, Ohio 43040
937-645-4190
937-645-4191 fax
mchase@co.union.oh.us

BENJAMIN MIZER* (0083089)
Solicitor General
**Counsel of Record*

ELISABETH A. LONG (0084128)
Deputy Solicitor

Counsel for Plaintiff-Appellant
State of Ohio

LORI J. WEISMAN (0018480)
Assistant Solicitor

30 East Broad Street, 17th Floor
Columbus, Ohio 43215

614-466-8980

614-466-5087 fax

benjamin.mizer@ohioattorneygeneral.gov

ALISON BOGGS (0055841)
Attorney at Law
240 West Fifth Street, Suite A
Marysville, Ohio 43040
937-578-0214

Counsel for *Amicus Curiae*

Ohio Attorney General Richard Cordray

Counsel for Defendant-Appellee
Raynell Robinson

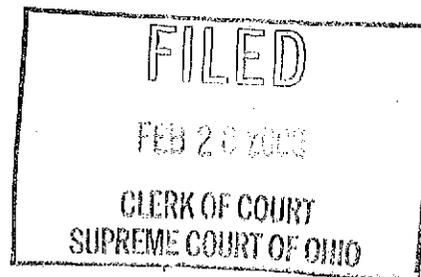


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INTRODUCTION

To preserve the safety of Ohio's citizens, it is essential that law enforcement officers, firefighters, rescue personnel, emergency medical services personnel, and emergency facility personnel (collectively "emergency services personnel") are able to respond in a timely fashion to emergency 911 phone calls from persons in distress. Accordingly, Ohio criminalizes knowing or purposeful conduct that "[s]ubstantially impair[s]" the ability of emergency services personnel "to respond to an emergency or to protect and preserve any person or property from serious physical harm." R.C. 2909.04(A)(3). A person can substantially impair the ability of emergency services personnel to respond to an emergency, in violation of this statute, by destroying a single private telephone or cellular phone (collectively "phone") when that conduct prevents or impairs someone's ability to use the 911 emergency calling system.

Contrary to every other Ohio appellate district that has interpreted R.C. 2904.04(A), the Third District Court of Appeals in this case erroneously held that the offense of disrupting public services does not include "destruction of a single, private telephone or cell phone." *State v. Robinson* (3d Dist.), 177 Ohio App. 3d 560, 2008-Ohio-4160, ¶ 25. The Third District said that the statute "clearly and unambiguously prohibits substantial interference with public emergency systems and utilities," apparently concluding that the destruction of a single private phone can never amount to a substantial interference with public emergency systems and utilities. *Id.*

Every other Ohio appellate district that has interpreted R.C. 2904.04(A)—the Second, Fifth, and Eighth Districts—properly has held that the destruction of a single private phone can violate the statute. When someone purposely or knowingly destroys or tampers with a phone that is being used to make a 911 call, thereby substantially impairing an emergency response effort, that person is guilty of disrupting public services. Moreover, contrary to the Third District's opinion, the State presented sufficient evidence to demonstrate that the destruction of a

single private phone in this case substantially impaired the ability of emergency services personnel to respond to a call for assistance. Therefore, this Court should reverse the Third District's decision and reinstate Raynell Robinson's original conviction for disrupting public services.

STATEMENT OF AMICUS INTEREST

The Ohio Attorney General acts as Ohio's chief law officer. R.C. 109.02. Accordingly, he has a strong interest in ensuring that Ohio's emergency services personnel are able to respond to an emergency or to protect and preserve persons or property from serious physical harm. In order to protect the citizens of Ohio, Ohio prosecutors should be able to charge criminal defendants with the offense of disruption of public services, codified in R.C. 2909.04, when a phone is destroyed while a person is initiating or making an emergency call to 911. By reading R.C. 2909.04 to prohibit only substantial interference with public emergency systems and utilities—and not the destruction of a single, private phone—the Third District has undermined seriously the ability of Ohio emergency services personnel to respond efficiently to emergencies and to protect the public. The Ohio Attorney General therefore joins the State of Ohio in urging this Court to reverse the Third District's judgment.

STATEMENT OF THE CASE AND FACTS

- A. Raynell Robinson intercepted a 911 call by destroying the victim's cellular phone before the victim could convey his exact location, which forced law enforcement officers to search a large apartment complex to find the victim and provide emergency assistance.**

Anthony Robinson, Antonio Robinson, and Heather Hoge attended a party at the apartment of Raynell Robinson and his girlfriend Judy Newhart on September 2, 2006. Transcript of Proceedings ("Tr.") 61-63. The apartment is part of the Meadows apartment complex

("Meadows Apartments") in Marysville, Ohio. Tr. 145, 152. The complex has two entrances and includes buildings with addresses up to at least the 700s. Tr. 95-97; 107.

Raynell was not home when Anthony, Antonio, and Heather arrived at the apartment. Tr. 63. When he returned, Raynell was upset to find a party in his apartment and got into an argument with Judy. Heather tried to intervene in the argument, and Raynell asked Heather to leave. Tr. 64, 65.

Heather and Antonio left the apartment. Tr. 66-67. Heather got into the driver's seat of the truck and Antonio was starting to climb into the passenger seat when Raynell approached the truck. Raynell asked Antonio what Judy had been doing during his absence, and Antonio told him to ask Judy. *Id.* Raynell became agitated and struck the back of Antonio's head. *Id.* Raynell and Antonio got into a scuffle, and Raynell repeatedly hit Antonio's face and body with his fists. Tr. 68. Antonio was bleeding and in pain. Tr. 69.

Antonio dialed 911 on his cellular phone. *Id.* A 911 dispatcher answered the call. But before Antonio could finish his conversation with the dispatcher, Raynell grabbed the phone from Antonio's hand and smashed it to the ground, ending the call. Tr. 69-71. Heather then dialed 911 on her own cellular phone, but hung up when Raynell told her to stop and threatened to shoot anyone who tried to call the police. Tr. 71-72; 74. Neither Antonio nor Heather had an opportunity to give a 911 dispatcher their exact location. Tr. 50, 54.

Raynell began hitting Antonio again. Tr. 72. When Raynell was not looking, Heather placed another 911 call. Heather left the line open, but did not answer the dispatcher's questions because she was afraid to talk. Tr. 87. At this point, Raynell's brother Anthony came out of the apartment and broke up the fight. Tr. 131.

After receiving Antonio's 911 call, at approximately 3:33 a.m., a 911 dispatcher dispatched two officers from the Marysville Police Department to the Meadows Apartments to respond to a possible assault. Tr. 47-48. The dispatcher was unable to identify Antonio's exact location because each 911 call was disconnected before the caller could provide an apartment number. Tr. 48, 54.

Officers Robert Bartholomew and Erik Collier drove separately to the Meadows Apartments. Tr. 95, 96. Officer Bartholomew drove into one entrance and searched the area. Seeing no one involved in an altercation, he drove to the other entrance. He then saw Officer Collier talking to Judy, who was crying and appeared intoxicated. Tr. 96, 107. During her conversation with Officer Collier, Judy actually gave him the incorrect address for her apartment. Tr. 107-08.

Officer Bartholomew continued driving until he came across three men—later identified as Raynell, Antonio, and Anthony—standing outside. Tr. 97. Raynell told Officer Bartholomew to leave. *Id.* Officer Bartholomew refused. Tr. 97-98. He separated Raynell and Antonio and called Officer Collier for assistance. Tr. 98. Officer Bartholomew observed Antonio's extensive injuries, which included a severely cut lip that required several stitches, and Officer Bartholomew noted that it "looked like [the victim's] lip [had] exploded." Tr. 100.

When Officer Collier arrived, he too noticed Antonio's severely cut lip, and that Antonio had blood all over him. *Id.* Officer Collier also saw a damaged cellular phone and broken pieces of the phone a few feet from the truck. Tr. 109, 110. The officers dispatched an ambulance to the scene, and the ambulance took Antonio to the hospital. Tr. 91.

B. A trial court convicted Raynell of intimidating a victim and disrupting public services, but the appeals court reversed the disruption of public services conviction.

The State charged Raynell with felonious assault; disrupting public services; and intimidating a victim in a criminal case. *Robinson*, 2008-Ohio-4160 at ¶ 2. The first charge was dismissed for insufficient evidence. *Id.* at ¶ 4. At trial, a jury found Raynell guilty of disrupting public services and intimidating a victim. *Id.* at ¶ 13. Raynell appealed, arguing that the guilty verdicts were “against the manifest weight of the evidence and [were] not supported by sufficient evidence.” *Id.* at ¶ 16.

On appeal, the Third District Court of Appeals affirmed Raynell’s conviction for intimidating a victim, but reversed his conviction for disrupting public services. The court identified three reasons for reversing Raynell’s disruption of public services conviction. First, the court concluded “that R.C. 2909.04(A) clearly and unambiguously prohibits substantial interference with public emergency systems and utilities, *and not* destruction of a single, private telephone or cell phone.” *Id.* at ¶ 25 (emphasis added). Second, the court reasoned, even if R.C. 2909.04(A) were ambiguous—as suggested by conflicting interpretations in three other appellate districts—legislative history and principles of statutory interpretation confirm “that private telephones and cell phones were not intended to be covered by R.C. 2909.04.” *Id.* at ¶ 29. Last, the court concluded that, “even if destruction of a cell phone constituted disruption of public services, the State failed to prove the element of substantial impairment” in this case because law enforcement officers were dispatched after Antonio’s first 911 call and arrived at the scene within minutes. *Id.* at ¶ 31. For these reasons, the Third District found insufficient evidence to support Raynell’s disruption of public services conviction and reversed the conviction. *Id.* at ¶ 34, 39.

The State filed a notice of discretionary appeal and a notice of certified conflict, each challenging the Third District's reversal of Raynell's disruption of public services conviction. This Court consolidated the two causes for briefing on a single issue: "Does the damaging of a single, private telephone or cellular telephone disrupt 'public services' sufficiently to constitute a violation of R.C. 2909.04(A)(3)?" 12/31/2008 Case Announcements, 2008-Ohio-6813.

ARGUMENT

Amicus Curiae Attorney General's Proposition of Law:

A person can substantially impair the ability of emergency services personnel to respond to an emergency, thereby disrupting public services in violation of R.C. 2904.04(A)(3), by knowingly destroying a single private phone when doing so prevents or impairs someone's ability to use the 911 emergency calling system.

This case turns on the interpretation of R.C. 2904.04(A), which prohibits three types of conduct related to the disruption of public services:

- (A) No person, purposely by any means or knowingly by damaging or tampering with any property, shall do any of the following:
- (1) Interrupt or impair television, radio, telephone, telegraph, or other mass communications service; police, fire, or other public service communications; radar, loran, radio, or other electronic aids to air or marine navigation or communications; or amateur or citizens band radio communications being used for public service or emergency communications;
 - (2) Interrupt or impair public transportation, including without limitation school bus transportation, or water supply, gas, power, or other utility service to the public;
 - (3) Substantially impair the ability of law enforcement officers, firefighters, rescue personnel, emergency medical services personnel, or emergency facility personnel to respond to an emergency or to protect and preserve any person or property from serious physical harm.

R.C. 2909.04.

At issue is whether damaging a single private phone violates R.C. 2909.04(A)(3), when the damage to the phone substantially impairs the ability of emergency services personnel to respond to an emergency or to protect persons and property from serious physical harm. As confirmed by the statute's plain language and the canons of statutory interpretation, R.C. 2909.04(A)(3) prohibits this conduct. Moreover, as a review of the record indicates, the State presented sufficient evidence that Raynell's conduct in this case "substantially impaired" the ability of emergency services personnel to respond to an emergency 911 call. Accordingly, this Court should reverse the Third District's decision and reinstate Raynell's conviction for disruption of public services.

A. The knowing destruction of a single private phone while someone is using the phone to seek emergency assistance violates R.C. 2909.04(A)(3) if that conduct substantially impairs the ability of emergency services personnel to respond to an emergency.

The language of R.C. 2909.04(A)(3) is unambiguous. Paragraph (A)(3) prohibits conduct that (1) substantially impairs (2) the ability of emergency services personnel (3) to either (a) respond to an emergency, or (b) protect and preserve any person or property from serious physical harm. Furthermore, for all disruption of public services offenses, a defendant must have the requisite mens rea—engaging in the prohibited conduct either "purposely by any means or knowingly by damaging or tampering with any property." R.C. 2909.04(A) (emphasis added). The statute's plain language is in no way limited to conduct interfering with emergency services personnel on a large scale. In fact, R.C. 2909.04(A)(3) reflects the General Assembly's intent to prohibit *any* conduct substantially impairing the ability of emergency services personnel to respond to emergencies. Even if the statute were ambiguous on this point, however, the Court should interpret R.C. 2909.04(A) to criminalize the destruction of a single private phone in situations where that conduct prevents or impairs someone's ability to use the 911 emergency calling system.

1. **The statute’s plain language prohibits *all* conduct substantially impairing the ability of emergency services personnel to respond to an emergency, regardless of the scope or nature of the conduct.**

The fundamental rule of statutory construction is that “a court must first look to the language of the statute itself.” *State v. Jordan*, 89 Ohio St. 3d 488, 492, 2000-Ohio-225. “If the meaning of the statute is unambiguous and definite, it must be applied as written and no further interpretation is necessary.” *Id.* (internal quotation omitted).

Contrary to the Third District’s holding, the statute’s plain language is not limited to large-scale interference with public emergency systems and utilities. In fact, paragraph (A)(3) contemplates *all conduct* that substantially impairs public services, and does not impose any constraints on the scale or type of conduct that disrupts public services. The statute does not define the term “substantially impair,” but instead calls for case-by-case evaluation of whether a particular defendant’s conduct substantially impairs the ability of emergency services personnel to render the assistance described above.

The Third District erroneously held that a violation of R.C. 2909.04(A)(3) occurs only if there is a substantial interference with a public emergency system or utility. The appeals court ignored the plain language of paragraph (A)(3) and instead relied on the language in R.C. 2909.04(A)(1) to interpret paragraph (A)(3). *Robinson*, 2008-Ohio-4160 at ¶ 29. Paragraph (A)(1) does refer, *inter alia*, to “mass communications” and “public service communications.” However, paragraph (A)(1) describes conduct that independently amounts to a disruption of public services—namely, the interruption or impairment of communications. In other words, a defendant’s conduct can violate (A)(3)—which prohibits conduct interfering with the efforts of emergency services personnel—completely independent of whether that conduct violates (A)(1). There is no need to look beyond the corners of (A)(3) because the language of the provision is clear.

The Third District's interpretation not only ignores the plain language of (A)(3), it also diverges from the holdings of every other Ohio appellate district that has interpreted R.C. 2909.04(A). The Second, Fifth, and Eighth Districts have all concluded that destroying or tampering with a telephone that is being used to make a 911 call violates R.C. 2909.04(A) if that conduct substantially impairs an emergency response effort. See *State v. White* (2d Dist.), 2007 Ohio App. Lexis 4985, 2007-Ohio-5671; *State v. Johnson* (8th Dist.), 2003 Ohio App. Lexis 2903, 2003-Ohio-3241; *State v. Yoakum* (5th Dist.), 2002 Ohio App. Lexis 133, 2002-Ohio-249; *State v. Brown* (8th Dist. 1994), 97 Ohio App. 3d 293. The Second and Fifth Districts have analyzed paragraph (A)(1) violations of the statute, and the Eighth District had occasion to review a conviction under paragraph (A)(3). The facts of these cases are analogous to this case.

In *White*, the Second District Court of Appeals interpreted R.C. 2909.04(A)(1) in the context of evaluating whether a defendant's destruction of two private phones amounted to an interruption or impairment of "public services or emergency communications." 2007-Ohio-5671 at ¶ 2-3. White grabbed a phone from the victim's hand as the victim was calling the police and threw the phone into a toilet. When the victim then reached for a cordless phone, White removed the phone's batteries. *Id.* at ¶ 2. White appealed his conviction under R.C. 2909.04(A)(1), arguing that "the statute should be interpreted to prohibit interference only with telephone communications on a large scale, not interference with the phone use of an individual citizen." *Id.* at ¶ 15. In rejecting White's argument that 2909.04(A) has a "systemic focus," *id.*, the Second District referenced its earlier holding "that, under R.C. 2909.04, the destruction of even a single telephone may constitute a disruption of telephone service, which includes the initiation of telephone calls," *id.* at ¶ 10 (citing *State v. Thomas*, 2003 Ohio App. Lexis 5109, 2003-Ohio-5746). The court concluded that "White's conduct falls squarely within the types of

behaviors that the statute was designed to punish: he interrupted telephone use for emergency communications.” *Id.* at ¶ 15.

In *Yoakum*, the Fifth District Court of Appeals also upheld a conviction under R.C. 2909.04(A)(1) where a defendant responded to his son’s stated intent to call 911 by taking a cordless phone headset from him, throwing it against the house, and breaking it. *Yoakum*, 2002 Ohio App. Lexis 133 at *2, *8. Like White, Yoakum argued that that there was insufficient evidence to prove that disabling the phone amounted to a disruption of public services in violation of R.C. 2909.04(A). The court rejected this argument, noting that although the wiring inside the house was private, it was connected to outside public telephone lines. *Id.* at *6 (“While the cordless telephone and the wiring inside of the house may have been appellant’s private property, the fact remains that the telephone, via a telephone jack, is connected to outside public telephone lines. Thus, without the inside telephone lines, there would be no access to public telephone service, which is defined as including ‘both the initiation and receipt of telephone calls.’” (internal citation omitted)).

The Eighth District is the only appellate district, other than the Third District, to interpret paragraph (A)(3) specifically. The Eighth District’s interpretation stands in stark contrast to that of the Third District below, but it is consistent with the Second and Fifth Districts’ holdings described above. The Eighth District found sufficient evidence to support a disruption of public services conviction under paragraph (A)(3) where a defendant “ripped [a victim’s] telephone from the wall and took it with him,” leaving the victim with “no means of calling the police.” *Johnson*, 2003-Ohio-3241 at ¶ 84. The court cited its prior holding “that where one purposely disconnects the victim’s telephone service, the crime of disrupting public service has been committed.” *Id.* at ¶ 83 (citing *State v. Coker* (8th Dist.), 1999 Ohio App. Lexis 4291; *Brown*, 97

Ohio App. 3d 293). Because the defendant “made it impossible for [the victim] to initiate or receive telephone calls at her home . . . there was sufficient evidence to support a conviction of disrupting public service.” *Johnson*, 2003-Ohio-3241 at ¶ 84. The Eighth District saw no impediment to finding a disruption of public services where a defendant’s conduct essentially involved the destruction of a single private phone.

The plain language of R.C. 2909.04(A), as correctly interpreted by the Second, Fifth, and Eighth Districts, prohibits the knowing destruction of even a single private phone when a crime victim is using the phone to request emergency assistance and the phone’s destruction substantially impairs the ability of emergency services personnel to render assistance.

2. Even if R.C. 2909.04(A) is ambiguous, this Court should hold that the knowing destruction of a single private phone can disrupt public services.

In addition to misreading the plain language of R.C. 2909.04(A), the Third District further erred by construing the statute as if it is ambiguous, and then by interpreting the “ambiguous statute” not to cover the destruction of a single private phone. *Robinson*, 2008-Ohio-4160 at ¶ 25, 30. Even if R.C. 2909.04(A) is ambiguous (and it is not), this Court nevertheless should recognize that the statute’s legislative intent confirms that knowing destruction of a single private phone can amount to a disruption of public services in violation of R.C. 2909.04(A).

“The paramount consideration in determining the meaning of a statute is legislative intent.” *State v. Jackson*, 102 Ohio St. 3d 380, 2004-Ohio-3206, ¶ 34. A statute is ambiguous “if the language is susceptible of more than one reasonable interpretation.” *Jordan*, 89 Ohio St. 3d at 492. When interpreting an ambiguous statute, “courts may look to the purpose of the statute in order to determine legislative intent.” *Jackson*, 2004-Ohio-3206 at ¶ 34. Courts “may consider several factors” when determining the General Assembly’s intent, “including the object sought to

be obtained, the legislative history, and other laws upon the same or similar subjects.” *Jordan*, 89 Ohio St. 3d at 492; see also R.C. 1.49.

The General Assembly enacted R.C. 2909.04 to criminalize intentional and knowing conduct that substantially impairs the ability of emergency services personnel to render assistance. This purpose, which is apparent on the face of the statute, would be frustrated if this Court affirms the Third District’s interpretation of R.C. 2909.04(A)(3). Under the Third District’s reasoning, in order to be found guilty under paragraph (A)(3), an individual would have to commit misconduct that impairs “mass communications” or “public service communications.” This reading of the statute would allow the State to prosecute someone who cuts telephone lines or impedes cellular signals, but not someone who intentionally damages a phone that is being used to call 911—even though, as a practical matter, both types of conduct may substantially impair the ability of emergency services personnel to respond to an emergency. This arbitrary distinction is illogical and, more importantly, inconsistent with R.C. 2904.04(A)’s prohibition of conduct that disrupts public services “knowingly by damaging or tampering with any property.” R.C. 2909.04(A). A cellular phone is exactly the kind of “property” to which R.C. 2909.04(A) refers. See R.C. 2901.01(A)(10)(a) (defining “property” to include “telecommunications devices”); see, e.g., R.C. 2913.01(Y) (including a cellular phone within the definition of “telecommunications device” in the statutory definitions for theft and fraud).

The Third District also relied heavily on two reports of the Ohio Legislative Service Commission to support its conclusion that legislative history confirms the General Assembly’s intent to prohibit only large-scale interferences with public services. *Robinson*, 2008-Ohio-4160 at ¶ 27-28 (citing 1971 and 1973 Legislative Service Commission reports analyzing the bill that

enacted R.C. 2909.04). These reports do list examples of conduct that would constitute a disruption of public services, but there is no evidence that these lists were meant to be all-inclusive, and the Third District offered no reason for construing them as such. The underlying reason for criminalizing the disruption of public services was to penalize individuals who substantially interfere with emergency response efforts—not to ignore misconduct that jeopardizes the ability of emergency services personnel to protect Ohio’s citizens simply because the misconduct stems from the use of a single phone. In light of the statute’s purpose, it would be inappropriate to conclude that the examples listed by the Legislative Service Commission are exhaustive.

In support of its narrow reading of R.C. 2909.04(A)(3), the Third District also cited the principle that like statutes should be read in *pari materia*. Specifically, the Third District noted four phrases in paragraphs (A)(1) and (A)(2) of R.C. 2909.04—“mass communications”; “public service communications”; “utility service to the public”; and “public transportation”—and the Legislative Service Commission’s explanation that “public services include services provided to ‘the public *as a whole*’ and ‘*any sizeable segment* of the public.’” *Robinson*, 2008-Ohio-4160 at ¶ 30 (internal citations omitted). Based on this evidence, the court concluded that the General Assembly did not intend “the offense of disrupting public services to prohibit . . . destruction of a single, private telephone or cell phone.” *Id.* But, as written, paragraph (A)(3) is not limited in that way. Even if it were proper to interpret paragraph (A)(3) as prohibiting only the impairment of “public services,” the General Assembly decided that *any* conduct that “substantially impair[s]” the ability of emergency services personnel to respond to emergencies would by definition disrupt public services under paragraph (A)(3), provided the offender has the requisite *mens rea*. The Third District failed to recognize that preventing or terminating a 911 call by

damaging a caller's phone can substantially interfere with the provision of emergency services, and therefore amount to a disruption of public services.

The appeals court misinterpreted the scope of R.C. 2909.04 and misconstrued the conduct necessary to constitute a chargeable offense under the statute. In fact, Raynell's intentional destruction of the cellular phone that Antonio was using to request emergency assistance is precisely the type of conduct the statute was designed to and plainly does prohibit.

B. The State presented sufficient evidence to prove that Raynell substantially impaired the ability of emergency services personnel to respond to an emergency 911 call, in violation of R.C. 2909.04(A)(3).

The Third District erred by concluding that, "even if destruction of a cell phone constituted disruption of public services, the State failed to prove the element of substantial impairment" beyond a reasonable doubt. *Id.* at ¶ 31. To the contrary, the record shows that the State presented more than sufficient evidence from which the jury could reasonably conclude that Raynell substantially impaired the ability of emergency services personnel to respond to an emergency.

In reviewing a record for sufficiency, "[t]he 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* (1991), 61 Ohio St. 3d 259, syllabus ¶ 2. This Court will not overturn a verdict on sufficiency grounds unless "reasonable minds could not reach the conclusion reached by the trier-of-fact." *State v. Dennis*, 79 Ohio St. 3d 421, 430, 1997-Ohio-372. The following facts, established in the record below, show that the State presented more than enough evidence for the trial court to conclude that Raynell disrupted public services, in violation of R.C. 4909.04(A).

The victim, Antonio, placed a 911 call, which was disconnected when Raynell took Antonio's cellular phone and smashed it to the ground. Tr. 69-71. Heather placed two more 911

calls, which also ended abruptly. Tr. 71-72; 87. The 911 dispatchers who answered the calls testified that neither Antonio nor Heather gave an address. Tr. 48, 54. The dispatchers only knew that an assault had been reported at the Meadows Apartments. *Id.* Based upon this information, they called the Marysville Police Department, which dispatched Officers Bartholomew and Collier to the general area of the Meadows Apartments. Tr. 48, 53, 95, 106. Upon arriving at the Meadows Apartments, each officer drove around the large apartment complex to search for the reported assault victim. Tr. 95-97; 107. Officer Bartholomew drove in one entrance and, after finding no one in distress, drove into another entrance, where he drove past Officer Collier and ultimately found Raynell and Antonio. Tr. 96-97. Officer Collier initially found and spoke to Judy, then proceeded to drive around the higher-numbered apartments until he came upon the scene. Tr. 107-08.

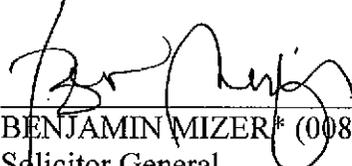
These facts confirm that the State presented more than enough evidence to establish “substantial impairment” and to support Raynell’s conviction for disruption of public services. Had the 911 dispatchers been able to ascertain the exact location of the assault, Officers Bartholomew and Collier would have been able to arrive at the scene in a more timely fashion. Because they did not have the exact address, the officers had to search through a large apartment complex to locate the victim and his assailant. The officers’ ability to respond to the 911 call was impaired precisely because Raynell intentionally destroyed Antonio’s cellular phone and thus prevented Antonio from completing his 911 call. Accordingly, this Court should reinstate Raynell’s conviction for disrupting public services.

CONCLUSION

For these reasons, this Court should reverse the decision of the Third District Court of Appeals and reinstate Raynell Robinson's original conviction for disruption of public services under R.C. 2904.04(A)(3).

Respectfully submitted,

RICHARD CORDRAY (0038034)
Attorney General of Ohio


BENJAMIN MIZER* (0083089)
Solicitor General

**Counsel of Record*

ELISABETH A. LONG (0084128)
Deputy Solicitor

LORI J. WEISMAN (0018480)

Assistant Solicitor

30 East Broad Street, 17th Floor

Columbus, Ohio 43215

614-466-8980

614-466-5087 fax

benjamin.mizer@ohioattorneygeneral.gov

Counsel for *Amicus Curiae*

Ohio Attorney General Richard Cordray

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Merit Brief of *Amicus Curiae* Ohio Attorney General Richard Cordray in Support of Plaintiff-Appellant State of Ohio was served by U.S. mail this 20th day of February, 2009, upon the following counsel:

David W. Phillips
Union County Prosecutor
Melissa A. Chase
Assistant Prosecutor
221 West Fifth Street, Suite 333
Marysville, Ohio 43040

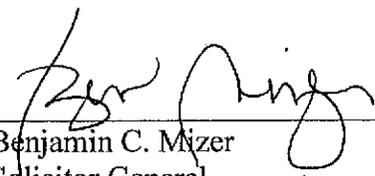
Counsel for Plaintiff-Appellant
State of Ohio

Stephen P. Hardwick
Assistant Public Defender
8 E. Long Street, 11th Floor
Columbus, Ohio 43215

Counsel for *Amicus*
Ohio Public Defender

Alison Boggs
240 West Fifth Street, Suite A
Marysville, Ohio 43040

Counsel for Defendant-Appellee
Raynell Robinson



Benjamin C. Mizer
Solicitor General