

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

IN RE: K.L. : APPEAL NO. C-150386
TRIAL NO. 14-5608X
: *JUDGMENT ENTRY.*

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. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

K.L. appeals his delinquency adjudication in the Hamilton County Juvenile Court for the offense of robbery. We conclude that neither of his assignments of error has merit, so we affirm the judgment of the trial court.

At trial, the state presented evidence that K.L. and four other boys approached a boy named N.D. and two girls, and surrounded them. N.D. and the girls did not know any of the five boys. K.L. and another boy spoke to N.D. and the girls briefly, and then the other boy told the girls to leave. As the girls stood up, the boy walked behind N.D., kicked him in the head, stepped on his neck, and stole his cell phone. N.D. was knocked out momentarily, and then began asking, “What just happened? What just happened? What just happened?”

K.L. continued to stand in front of N.D., laughing and pointing at him, and saying, “He’s so confused.” When the girls got their own phones out to call 911, K.L. and his friends ran away together.

We consider K.L.'s two assignments of error together. In the first, he argues that his delinquency adjudication was based upon insufficient evidence. In the second, he contends that the adjudication was against the manifest weight of the evidence.

In reviewing a challenge to the sufficiency of the evidence, we must view the evidence in a light most favorable to the prosecution and determine if a rational trier of fact could have found the essential elements of the offense proved beyond a reasonable doubt. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. When reviewing a challenge to the weight of the evidence, however, we review the record to determine if the trier of fact clearly lost its way and created a manifest miscarriage of justice. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997).

To find K.L. guilty as a complicitor to robbery, the trier of fact had to find that he knowingly aided or abetted another in committing the robbery offense. *See R.C. 2923.03(A)(2)* and *2911.02*. Complicity to commit robbery can be inferred from direct or circumstantial evidence that demonstrates that the defendant “supported, assisted, encouraged, cooperated with, advised, or incited the principal in the commission of the crime, and that the defendant shared the criminal intent of the principal.” *State v. Johnson*, 93 Ohio St.3d 240, 754 N.E.2d 796 (2001), syllabus. The defendant’s criminal intent may be inferred from the defendant’s “presence, companionship and conduct before and after the offense is committed.” *Id.* at 245, quoting *State v. Pruett*, 28 Ohio App.2d 29, 34, 273 N.E.2d 884 (4th Dist.1971).

Following our review of the record, we conclude that the evidence demonstrated that K.L. was complicit in the robbery of N.D. and that K.L.’s adjudication was not against the manifest weight of the evidence. K.L. and his

cohorts surrounded the victim and his friends, whether to intimidate or prevent their escape. K.L. laughed and mocked the dazed victim who was suffering the effects of the principal's attack. Then K.L. ran from the scene with his cohorts, including the principal who had the stolen phone, leading to reasonable inferences that K.L. had acted in concert with the others in the robbery and that he was attempting to avoid apprehension. *See State v. Brundage*, 1st Dist. Hamilton No. C-030632, 2004-Ohio-6436, ¶ 17. Therefore, we overrule the assignments of error, and affirm the trial court's judgment.

Further, 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.

FISCHER, P.J., HENDON and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on May 4, 2016

per order of the court _____.
Presiding Judge