

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

STATE OF OHIO,	:	APPEAL NOS. C-070185
		C-070186
Plaintiff-Appellee,	:	TRIAL NO. C-06CRB-37292AB
vs.	:	<i>JUDGMENT ENTRY.</i>
STEPHANIE EDWARDS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant, Stephanie Edwards, appeals the judgment of the Hamilton County Municipal Court convicting her of two charges of child endangering. She was convicted after a bench trial.

Edwards was the foster mother of a 14-month-old child and a nine-month-old child. She stipulated at trial that, while the children were in her care, she had smoked marijuana.

In her sole assignment of error, Edwards argues that the convictions were based on insufficient evidence.

In the review of the sufficiency of the evidence to support a conviction, the relevant inquiry for the appellate court “is whether, after viewing the evidence in the

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.”²

The child-endangering statute, R.C. 2919.22(A), provides that “[n]o person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age * * * shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support.”

The state must prove that the defendant acted recklessly to establish a violation of R.C. 2919.22.³ Under R.C. 2901.22(C), “[a] person acts recklessly when, with heedless indifference to the consequences, he perversely disregards a known risk that his conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, he perversely disregards a known risk that such circumstances are likely to exist.”

In this case, the convictions were in accordance with the evidence. Edwards used an illegal drug while caring for two children whose tender years made them entirely dependent on her for their care and protection. Although Edwards argues that the children were not harmed and that the state failed to demonstrate any specific level of her impairment, the trial court reasonably concluded that the use of the drug posed a substantial risk to the safety of the children. We overrule the assignment of error and affirm the judgment of the trial court.

² *State v. Waddy* (1992), 63 Ohio St.3d 424, 430, 588 N.E.2d 819.

³ *State v. Adams* (1980), 62 Ohio St.2d 151, 404 N.E.2d 144, paragraph one of the syllabus.

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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.

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

To the Clerk:

Enter upon the Journal of the Court on November 7, 2007
per order of the Court _____.
Presiding Judge