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

STATE OF OHIO,	:	APPEAL NO. C-070198 TRIAL NO. 06-CRB-32262
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY.*
MICHAEL WILLIAMS,	:	
Defendant-Appellant.	:	

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

Defendant-appellant Michael Williams and Sonya Arrington were married for two and a half years, when they decided to separate and pursue a divorce. During their separation, Williams called Arrington on her cellular phone so often that she stopped answering it. He then began calling her at her place of employment, a bank, where answering the phone was part of her job. On August 16, 2006, Williams called Arrington often, becoming more and more upset. He threatened to kill her and said that he would come to her workplace.

Arrington was afraid of his threats and called the police. Williams continued to call, and one of his calls came in while the police were present. Williams told Arrington over the phone that he was in the bank parking lot. A security guard

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

escorted Arrington to her car, and the police took her to the clerk's office to file charges. After a trial to the court, Williams was found guilty of domestic violence in violation of R.C. 2919.25(C). Williams now appeals, asserting two assignments of error, neither of which is well taken.

In these assignments of error, Williams asserts that the evidence was insufficient to support a conviction, and that the finding of guilty was against the manifest weight of the evidence. In reviewing a claim of insufficiency, we must view the evidence in the light most favorable to the state and determine if a rational trier of fact could have found all the essential elements of the crime charged beyond a reasonable doubt.[2] In considering a manifest-weight claim, we must review the entire record and determine if the trier of fact clearly lost its way and created a manifest miscarriage of justice.[3]

Williams points out that the domestic-violence statute requires that the threat of physical harm be imminent.[4] He claims that he was in Lincoln Heights when he made the calls, and that Arrington knew this. Since she was in her bank in Madisonville, the threat could not have been imminent, but a threat coupled with other circumstances can sufficiently establish imminent physical harm; a court must look at the totality of the circumstances.[5] In this case, Williams said to Arrington over the phone that he was going to kill her. Arrington was so afraid of this threat that she left her place of employment at the bank and called the police. Williams threatened to come to the parking lot at the bank, and he did in fact go there and had to be escorted off the premises. Based on these facts, the trial court could have found

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[2] *State v. Bridgeman* (1978), 55 Ohio St.2d 261, 381 N.E.2d 184
[3] *State v. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541
[4] R.C. 2929.25(C).
[5] *State v. Drake* (1999), 135 Ohio App.3d 507, 734 N.E.2d 865

that Arrington had a reasonable belief of imminent physical harm. The trial court's decision was supported by the evidence and the testimony in the record. We, thus, cannot conclude that it lost its way in crediting Arrington's testimony. We, therefore, overrule Williams's two assignments of error and affirm the judgment of the court below.

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.

SUNDERMANN, P.J., DINKELACKER and **WINKLER, JJ.**

RALPH WINKLER, retired, from the First Appellate District, sitting by assignment.

To the Clerk:

Enter upon the Journal of the Court on January 16, 2008

per order of the Court _____.
Acting Presiding Judge