

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

STATE OF OHIO,	:	APPEAL NO. C-070462
	:	TRIAL NO. B-0611002
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
ROBBIE LETT,	:	
Defendant-Appellant.	:	

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

Following a jury trial, defendant-appellant Robbie Lett was found guilty of aggravated murder,² murder,³ aggravated robbery,⁴ robbery,⁵ and having a weapon while under disability,⁶ along with accompanying firearm specifications, for the robbery and murder of Sean Segar. Matthew Murphy had shot and killed Segar during an attempted robbery. Lett had planned and orchestrated the shooting. Lett now appeals his convictions, arguing that they were against the manifest weight of the evidence.

Lett had often provided marijuana to Segar. Segar also sold drugs in the community near Baltimore Avenue in Cincinnati and thus often carried large amounts of cash. As Chafonta Hixson and Dayron Curtis testified at trial, in the afternoon of July 13,

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

² See R.C. 2903.01(B).

³ See R.C. 2903.02(B).

⁴ See R.C. 2911.01(A)(1).

⁵ See R.C. 2911.02(A)(2).

⁶ See R.C. 2923.13(A)(3).

2006, Lett had asked several of his acquaintances if they wanted to “hit a lick,” or rob, Segar. Only Murphy agreed; Lett promised him one-half of the gains from the robbery. Lett provided Murphy with a 9-mm semi-automatic handgun and instructed him to get “stuff” from Segar. Lett told Murphy to shoot Segar if he did not cooperate.

Lett made numerous telephone calls to Segar that afternoon. Zakeem Beasley testified that Lett had finally reached Segar and arranged to have Segar meet him near Lett’s grandmother’s house, ostensibly for another marijuana sale. At 5:00 p.m., Murphy found Segar sitting in a parked car at the designated rendezvous spot. Murphy approached Segar and demanded money and drugs. When Segar refused, Murphy brandished the handgun that Lett had given him. Segar attempted to flee in his car. Murphy fired seven rounds at Segar, striking him in the chest, and caused the car to crash into nearby parked cars. Both Beasley and Kimberly Boggs spotted Lett near the scene of the shooting observing the events from a nearby porch. Segar died at the scene, his heart lacerated by Murphy’s bullets. Within days, Murphy was apprehended, admitted to the shooting, directed police to the hidden murder weapon, and implicated Lett.

After the jury returned verdicts of guilty on all the charged counts and specifications, the trial court imposed a 25-year-to-life sentence for the aggravated murder that was consecutive to a three-year sentence for the firearm specification. The trial court imposed a 15-year-to-life sentence for the murder and a maximum sentence for each of the remaining felony offenses. The trial court ordered each of these sentences to be served concurrently with the sentence for aggravated murder. The aggregate sentence imposed was 28 years to life. The trial court also notified Lett that his sentence included a mandatory five-year period of post-release control.

Raising a single assignment for error, Lett challenges the manifest weight of the evidence adduced to support the various convictions. He argues only that the testimony of

the various witnesses was so inconsistent that “it [was] impossible to believe any of them.” A review of the record fails to persuade us that the jury clearly lost its way and created such a manifest miscarriage of justice that the convictions must be reversed and a new trial ordered.⁷

The jury was entitled to reject Lett’s theory of the case despite his trial counsel’s highlighting of inconsistencies in the testimony. The state presented ample evidence, including the testimony of Beasley, Hixon, Boggs, and Murphy, to demonstrate that Lett had sought out Murphy to rob Segar, had provided Murphy with the murder weapon, had lured Segar into the fatal rendezvous with Murphy, and had stood by to observe the execution of his plan. As the weight to be given the evidence and the credibility of the witnesses were primarily for the trier of fact to determine, the jury, in resolving conflicts in the testimony, could properly have found that Lett had been complicit in the murder and robbery of Segar.⁸ The assignment of error is overruled.

The judgment of the trial court is affirmed.

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., CUNNINGHAM and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on September 17, 2008

per order of the Court _____.

Presiding Judge

⁷ See *State v. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541.

⁸ See *State v. DeHass* (1967), 10 Ohio St.2d 230, 227 N.E.2d 212, paragraph one of the syllabus; see, also, *State v. Mathis* (Dec. 31, 1996), 1st Dist. No. C-950837.