

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

STATE OF OHIO,	:	APPEAL NO. C-070669
	:	TRIAL NO. B-0701471
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
	:	
JON DUMONT,	:	
	:	
Defendant-Appellant.	:	

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

Defendant-appellant, Jon Dumont, appeals the judgment of the Hamilton County Court of Common Pleas convicting him of attempted burglary. He was convicted after a jury trial.

At trial, Nicole Lamirand-Maxson testified that she had been working in the second floor of her condominium when she had heard the doorbell ring. She did not answer the door, but a few moments later, she heard a loud noise downstairs.

She called the police, and when the officers arrived, they discovered that the sliding patio door at the back of the residence had been forced open slightly. A fingerprint taken from the interior of the door frame matched the fingerprint of Dumont.

When police questioned Dumont about the crime, he initially denied being in the area of Lamirand-Maxson's home. But when confronted with the fingerprint evidence, he

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

stated that he had been in the area looking for a friend and had knocked on several doors in the condominium complex. Dumont did not present any evidence at the trial.

The jury found Dumont guilty, and the trial court sentenced him to 11 months' imprisonment. In a single assignment of error, he now argues that the conviction was based on insufficient evidence and was against the manifest weight of the 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 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 To reverse a conviction on the manifest weight of the evidence, a reviewing court must review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and conclude that, in resolving the conflicts in the evidence, the trier of fact clearly lost its way and created a manifest miscarriage of justice.³

The burglary statute, R.C. 2911.12(A)(4), provides that "[n]o person, by force, stealth, or deception, shall * * * [t]respass in a permanent or temporary habitation of any person when any person other than an accomplice of the offender is present or likely to be present." R.C. 2923.02(A), governing attempt, states that "[n]o person, purposely or knowingly, and when purpose or knowledge is sufficient culpability for the commission of an offense, shall engage in conduct that, if successful, would constitute or result in the offense."

In this case, the conviction was proper. The state presented evidence that a person had attempted to forcibly enter Lamirand-Maxson's home while she was present, and fingerprint evidence established that Dumont had been the culprit. 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. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541.

OHIO FIRST DISTRICT COURT OF APPEALS

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27.

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

To the Clerk:

Enter upon the Journal of the Court on July 16, 2008
per order of the Court _____
Presiding Judge