

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

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| STATE OF OHIO, | : | APPEAL NO. C-080164 |
| | : | TRIAL NO. B-0709104-A |
| Plaintiff-Appellee, | : | |
| | : | <i>JUDGMENT ENTRY.</i> |
| vs. | : | |
| BRANDON ROBINSON, | : | |
| Defendant-Appellant. | : | |

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

Brandon Robinson appeals his conviction for trafficking in cocaine. Because we conclude that the state presented sufficient evidence of the offense, we overrule Robinson’s sole assignment of error. The judgment of the trial court is affirmed.

Robinson was indicted for one count of trafficking in cocaine. The case was tried before a jury. At trial, Cincinnati Police Officers Sean Woods and David Gregory testified that they had given a confidential informant \$22 to purchase drugs and had outfitted him with an audio transmitter. The serial numbers of the \$22 were recorded by the police officers. The informant was in his car on Vine Street when he was approached by Michael Thompson, Robinson’s co-defendant. According to the police officers, the informant told Thompson that he had \$22 and that he wanted “hard” (crack cocaine). After asking the informant to wait, Thompson crossed the street to where Robinson was standing. According to Woods and Gregory, Thompson and Robinson exchanged something, and then Thompson returned to the informant’s car. Thompson gave the informant crack

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

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cocaine, and the informant gave Thompson \$22. Thompson then returned to Robinson. Thompson and Robinson were arrested shortly after the transaction, and Robinson had \$22 in his possession. The serial numbers of the currency that Robinson had matched those of the currency that the police officers had given the informant.

At the conclusion of the trial, the jury found Robinson guilty of trafficking in cocaine. The trial court sentenced him to one year in prison.

In his sole assignment of error, Robinson asserts that his conviction was based on insufficient evidence. We must determine whether the state presented adequate evidence on each element of the offense.² Here, the state needed to present evidence that Robinson had knowingly “[sold or offered] to sell a controlled substance,”³ or that he had been complicit in the offense.⁴ The officers’ testimony about the exchange that they had observed between Robinson and Thompson and Robinson’s possession of the \$22 following the transaction were sufficient evidence of Robinson’s complicity in the offense.

While not raised as an assignment of error, Robinson’s recitation of the facts appears to challenge the weight of the evidence. We note that, having reviewed the record, we conclude that the jury’s verdict was not against the manifest weight of the evidence.⁵ The sole assignment of error is overruled, and the trial court’s judgment is affirmed.

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

To the Clerk:

Enter upon the Journal of the Court on January 21, 2009

per order of the Court _____
Presiding Judge

² See *State v. Thompkins*, 78 Ohio St.3d 380, 386, 1997-Ohio-52, 678 N.E.2d 541.

³ R.C. 2925.03(A)(1).

⁴ R.C. 2923.03.

⁵ See *Thompkins*, supra, at 387.