

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

STATE OF OHIO,	:	APPEAL NOS. C-080182
		C-080183
Plaintiff-Appellee,	:	
vs.	:	TRIAL NOS. 07CRB-24923
		07CRB-47301A
GAMAL SMITH,	:	JUDGMENT ENTRY.
Defendant-Appellant.	:	

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

Following a bench trial, the trial court convicted defendant-appellant Gamal Smith of two counts of domestic violence, in violation of R.C. 2919.25(A). We affirm.

In Gamal's first and third assignments of error, he argues, respectively, that there was insufficient evidence to support his conviction, and that the trial court should have granted his Crim.R. 29 motion for an acquittal. These arguments have no merit.

During the state's case-in-chief, Gamal's alleged victim, Brandy Smith, testified that she and Gamal had been living together as boyfriend and girlfriend, and sharing household expenses, at the time he had physically assaulted her. Brandy further testified that Gamal had struck her on two separate occasions. The state submitted photographs of Brandy's injuries into evidence. Police officer Kip Dugan corroborated Brandy's testimony as to her first injury. Based on this record, we hold that there was sufficient to support

---

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

**OHIO FIRST DISTRICT COURT OF APPEALS**

---

Gamal's convictions, as well as to overcome Gamal's Crim.R. 29(A) motion for an acquittal.<sup>2</sup> These assignments of error are overruled.

And while Gamal offered a different version of events to the trial court, there is no indication that, in weighing the evidence presented, the trial court "lost its way" so as to create a manifest miscarriage of justice.<sup>3</sup> Gamal's second assignment of error—which challenges the weight of the evidence—is therefore overruled as well.

The judgment of the trial court is affirmed.

**HILDEBRANDT, P.J., HENDON and DINKELACKER, JJ.**

*To the Clerk:*

Enter upon the Journal of the Court on November 26, 2008

per order of the Court \_\_\_\_\_  
Presiding Judge

---

<sup>2</sup> See R.C. 2929.25(A); *State v. Carswell*, 114 Ohio St.3d 210, 2007-Ohio-3723, 871 N.E.2d 547; *State v. Jenks* (1991), 61 Ohio St.3d 259, 574 N.E.2d 492, paragraph two of the syllabus; *State v. Bridgeman* (1978), 55 Ohio St.2d 261, 381 N.E.2d 184, syllabus.

<sup>3</sup> See *State v. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541; *State v. Martin* (1983), 20 Ohio App.3d 172, 175, 485 N.E.2d 717.