

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

STATE OF OHIO,	:	APPEAL NO. C-080348
Plaintiff-Appellee,	:	TRIAL NO. B-0707894
vs.	:	<i>JUDGMENT ENTRY.</i>
STYLES HUMMONS,	:	
Defendant-Appellant.	:	

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

In September 2007, defendant-appellant Styles Hummons was arrested and charged with having a weapon under a disability, aggravated robbery, and murder. That month, police officers searched Hummons's sister's home in an unrelated investigation, and the search yielded a Glock .45 underneath her living-room sofa. Hummons was also in the home, and when officers later discovered that Hummons had been convicted of a prior felony, he was charged with having weapons under a disability. Following a jury trial, Hummons was convicted of having a weapon under a disability but was acquitted on the remaining charges. Hummons appeals from his weapon-under-disability conviction, arguing that it was against the weight and sufficiency of the evidence. We affirm.

Though Hummons's appeal argues that his conviction was against the weight and sufficiency of the evidence, he has transmitted only a segment of the transcript of a jury trial that lasted from March 5 to March 14. Hummons's basic argument is

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

that he did not know that the weapon was there, and that he did not *have* a weapon as prohibited by statute. But the record is limited, and we cannot speculate as to whether the evidence presented below—including evidence proving that the firearm was operable—was lacking.

In this case, we must presume regularity in the trial court’s proceedings,<sup>2</sup> and under this presumption Hummons cannot demonstrate the error that he now alleges.<sup>3</sup> Even so, the record before us demonstrates Hummons’s guilt, rather than a lack of evidence. DNA linked Hummons to the Glock .45, and his was the only DNA found on the weapon. From this, the jury could have concluded that Hummons had constructively possessed the weapon<sup>4</sup> and that he was therefore guilty of having a weapon under a disability.

Because Hummons has failed to demonstrate that his conviction was against the sufficiency and weight of the evidence, we must affirm the trial court’s judgment.

A certified copy of this judgment entry is 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., PAINTER and DINKELACKER, JJ.**

*To the Clerk:*

Enter upon the Journal of the Court on April 15, 2009

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

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<sup>2</sup> *State v. Gonzales*, 151 Ohio App.3d 160, 2002-Ohio-4937, 783 N.E.2d 903.

<sup>3</sup> *Cincinnati v. Howard*, 179 Ohio App.3d 60, 2008-Ohio-5502, 900 N.E.2d 689, ¶2.

<sup>4</sup> *State v. Cherry*, 171 Ohio App.3d 375, 2007-Ohio-2133, 870 N.E.2d 808, ¶10.