

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

STATE OF OHIO,	:	APPEAL NO. C-080771
Plaintiff-Appellee,	:	TRIAL NO. B-0804172
vs.	:	<i>JUDGMENT ENTRY.</i>
REUBEN OCAIN,	:	
Defendant-Appellant.	:	

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

Raising a single assignment of error, defendant-appellant Reuben Ocain challenges the sufficiency of the evidence adduced to support his conviction for domestic violence, in violation of R.C. 2925.15(A), following a trial to the court. That statute provides, in part, that “[n]o person shall knowingly cause or attempt to cause physical harm to a family or household member.” Ocain contends that his victim was not a family or household member as defined in the domestic-violence statute because the evidence failed to demonstrate that he had resided with his victim or that he was the father of her child.

The test for the sufficiency of the evidence required to sustain a conviction was enunciated by the United States Supreme Court in *Jackson v. Virginia*.² The relevant question is whether, after viewing the evidence in a light most favorable to the prosecu-

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

² (1979), 443 U.S. 307, 99 S.Ct. 2781.

tion, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.³

Here, the record contains substantial, credible evidence from which the trial court, sitting as the trier of fact, could have concluded that the state had proved all elements of domestic violence beyond a reasonable doubt, including the contested family-or-household-member element. Specifically, the record shows that on April 3, 2008, Ocain stabbed his victim with a hook-shaped, pointed instrument. Multiple witnesses testified that Ocain lived with his victim at her apartment.⁴ And Ocain had signed the birth certificate acknowledging that he was the father of their child.⁵

The assignment of error is overruled. Therefore, 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.

HENDON, P.J., SUNDERMANN and CUNNINGHAM, J.J.

To the Clerk:

Enter upon the Journal of the Court on November 10, 2009
per order of the Court _____
Presiding Judge

³ See *id.* at 319, 99 S.Ct. 2781; see, also, *State v. Allen* (1995), 73 Ohio St.3d 626, 630, 653 N.E.2d 675.

⁴ See R.C. 2919.25(F)(1)(a)(i) and 2919.25(F)(2).

⁵ See R.C. 2919.25(F)(1)(b).