

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

STATE OF OHIO,	:	APPEAL NO. C-081133
Plaintiff-Appellee,	:	TRIAL NO. B-0701684
vs.	:	<i>JUDGMENT ENTRY.</i>
MAURICE ROCQUEMORE,	:	
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 in the Hamilton County Court of Common Pleas, defendant-appellant Maurice Rocquemore appeals his convictions on two counts of robbery.

Judith Dooley was robbed in the Carew Tower parking garage in downtown Cincinnati on February 8, 2007. Ten days later, Mary Ann Duffield was robbed in the same garage. The victims' description of their assailant led the police to suspect Rocquemore, a former parking attendant at the garage. Duffield remembered that she had seen her assailant smoking or feigning to smoke a cigarette before she was robbed. But two cigarette butts taken from a smokers' area in the garage did not test positive for Rocquemore's DNA. However, Dooley and Duffield both identified Rocquemore from a photographic array.

At trial, Dooley and Duffield unequivocally identified Rocquemore as their assailant. And both noted that when Rocquemore had entered the courtroom, he had displayed the same unusual gait of their assailant.

---

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

Rocquemore testified in his own defense and denied being in the parking garage at the time of the robberies. To bolster his alibi, Rocquemore presented the testimony of Yaisha Wright, his co-worker at the Marriott River Center in Northern Kentucky. Wright could not confirm Rocquemore's alibi, but she had seen Rocquemore at the Marriott about an hour after the February 18 robbery. She also provided favorable character evidence for Rocquemore.

In his single assignment of error, Rocquemore challenges the weight of the evidence adduced at trial to support his convictions. But our review of the record fails to persuade us that the trial court, sitting as the trier of fact, clearly lost its way and created such a manifest miscarriage of justice that the convictions must be reversed and a new trial ordered.<sup>2</sup> The trial court believed the testimony of the victims, who had both seen their assailant close-up and were consistent and unequivocal in their identifications of Rocquemore. We note that the weight to be given the evidence and the credibility of the witnesses was primarily for the trier of fact to determine.<sup>3</sup>

Therefore, the assignment of error is overruled, and the judgment of the trial court is affirmed.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R.24.

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

*To the Clerk:*

Enter upon the Journal of the Court on March 10, 2010

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

---

<sup>2</sup> See *Tibbs v. Florida* (1982), 457 U.S. 31, 102 S.Ct. 2211; see, also, *State v. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541.

<sup>3</sup> See *State v. DeHass* (1967), 10 Ohio St.2d 230, 227 N.E.2d 212, paragraph one of the syllabus.