

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

STATE OF OHIO,	:	APPEAL NO. C-090197
Plaintiff-Appellee,	:	TRIAL NO. B-0808023
vs.	:	<i>JUDGMENT ENTRY.</i>
TAJI HILL,	:	
Defendant-Appellant.	:	

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

Following a bench trial, defendant-appellant Taji Hill appeals from the convictions and sentences imposed for having a weapon under a disability² and obstructing official business.³ In the early morning of October 3, 2008, Hill had fired a silver revolver into the air after pointing it at an occupied vehicle. A Cincinnati police officer challenged Hill and he fled, shedding his black and gold sweatshirt, and hiding the revolver and another weapon in the sweatshirt.

Hill was indicted for having a weapon under a disability and obstructing official business, and for the aggravated robbery and robbery of Corey Clark, who had been standing next to Hill when he had fired the revolver. At trial, Clark refused to identify Hill as the person who had attempted to rob him. At the conclusion of the state's case, the trial

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

² See R.C. 2923.13(A)(3).

³ See R.C. 2921.31(A).

court entered judgments of acquittal in favor of Hill on the robbery charges. At the conclusion of the trial, the court found Hill guilty of the weapon-under-a-disability and the obstructing-official-business charges. The trial court imposed the maximum term of incarceration for these offenses, ordering the prison terms to be served consecutively. The aggregate sentence was six years' imprisonment.

In his first assignment of error, Hill challenges the weight and the sufficiency of the evidence adduced to support his convictions. 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.⁴ The state presented ample evidence to support the convictions, including Officer Edwards's testimony that he had observed Hill fire a silver revolver two or three times, that the officer had identified himself and had ordered Hill to stop, and that Hill then had fled down an alley. While fleeing, Hill had wrapped the silver revolver and another handgun in his distinctive black and gold sweatshirt and had hidden the bundle in the alley. When officers located Hill at the other end of the alley and ordered him to stop, Hill had again fled from the police. After Hill was apprehended, a test revealed gunshot residue on his hands. Hill stipulated that he had a prior conviction for possession of cocaine, which was the predicate for the disability.⁵

As the weight to be given the evidence and the credibility of the witnesses were for the trial court, sitting as the trier of fact, to determine,⁶ in resolving conflicts and limitations in the testimony, the court could have found that Hill, while under a disability, had possessed and used a firearm, that he had run from police investigating the gunshots, and that he had hidden his clothing to aid his escape.

⁴ See *State v. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541.

⁵ See R.C. 2923.13(A)(3).

⁶ See *State v. DeHass* (1967), 10 Ohio St.2d 230, 227 N.E.2d 212, paragraph one of the syllabus.

The record reflects substantial, credible evidence from which the court could have reasonably concluded that the state had proved all elements of the charged crimes beyond a reasonable doubt, including that Hill had possessed a weapon while under a disability and that he had fled and had hidden his weapon and clothing to impede and obstruct officers engaged in the investigation of a shooting.⁷ The first assignment of error is overruled.

In his second assignment of error, Hill argues that the trial court abused its discretion in imposing excessive sentences. We conduct a two-part review of Hill's sentences of imprisonment.⁸ First we must determine whether the sentences were contrary to law.⁹ Then, if the sentences were not contrary to law, we must review each to determine whether the trial court abused its discretion in imposing them.¹⁰

Here, the sentences were within the range provided by statute.¹¹ At the sentencing hearing, the trial court heard statements from Hill and from his mother and sister. It reviewed the record of Hill's numerous prior adult convictions and juvenile adjudications. And it stated that Hill presented a risk to the safety of the community. On the state of this record, we cannot say that the trial court acted unreasonably, arbitrarily, or unconscionably in imposing these sentences.¹² The second assignment of error is overruled.

Therefore, the judgment of the trial court is affirmed.

⁷ See *Jackson v. Virginia* (1979), 443 U.S. 307, 319, 99 S.Ct. 2781; see, also, *State v. Conway*, 108 Ohio St.3d 214, 2006-Ohio-791, 842 N.E.2d 996, ¶36.

⁸ See *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, 896 N.E.2d 124.

⁹ See *id.* at ¶14.

¹⁰ See *id.* at ¶17.

¹¹ See *State v. Boggs*, 1st Dist. No. C-050946, 2006-Ohio-5899, ¶6; see, also, *State v. Hairston*, 118 Ohio St.3d 289, 2008-Ohio-2338, 888 N.E.2d 1073, syllabus.

¹² See *State v. Adams* (1980), 62 Ohio St.2d 151, 157, 404 N.E.2d 144.

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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.

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

To the Clerk:

Enter upon the Journal of the Court on March 17, 2010
per order of the Court _____.

Presiding Judge