

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

STATE OF OHIO,	:	APPEAL NO. C-100003
Plaintiff-Appellee,	:	TRIAL NO. C-09CRB-27518
vs.	:	<i>JUDGMENT ENTRY.</i>
LASHENA HYDE,	:	
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 in the Hamilton County Municipal Court, defendant-appellant Lashena Hyde appeals from her conviction for aggravated menacing, punishable as a first-degree misdemeanor. The trial court imposed a suspended 180-day sentence of incarceration and court costs, placed Hyde on community control for one year, and ordered her to stay away from the prosecuting witness, the current girlfriend of Hyde's former boyfriend, Kevin Mitchell.

In a single assignment of error, Hyde challenges the weight and the sufficiency of the evidence adduced to support her conviction. To commit the offense of aggravated menacing, defined in R.C. 2903.21(A), one must knowingly cause another to believe that she will cause serious physical harm to the person or property of the other person, or to a member of the other person's immediate family.²

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

² See, also, *State v. Carter*, 1st Dist. Nos. C-090490, C-090491, and C-090492, 2010-Ohio-1061, ¶4.

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 conviction must be reversed and a new trial ordered.³ The state presented ample evidence to support the conviction, including the testimony of the prosecuting witness, her daughter, and her neighbor. Each testified that Hyde had repeatedly telephoned the prosecuting witness to argue about Mitchell and his lack of support for Hyde's children. On the night of August 11, 2009, each had overheard Hyde threatening to shoot the prosecuting witness and her daughter with a .357-magnum handgun, as well as threatening to send her brothers and sisters over "to get you and your family."

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,⁴ the court was entitled to give little credence to Hyde's contention that she was the party who had been threatened. The trial court could have found Hyde guilty of the charged crime and thus did not lose its way.

The record also reflects substantial, credible evidence from which the trial court could have reasonably concluded that the state had proved each element of the charged crime beyond a reasonable doubt, including that Hyde had knowingly caused the prosecuting witness to believe that Hyde would cause serious physical harm to her and to her daughter.⁵ The assignment of error is overruled.

Therefore, the judgment of the trial court is affirmed.

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

⁴ See *State v. DeHass* (1967), 10 Ohio St.2d 230, 227 N.E.2d 212, paragraph one of the syllabus.

⁵ See R.C. 2903.21(A); see, also, *Jackson v. Virginia* (1979), 443 U.S. 307, 319, 99 S.Ct. 2781; *State v. Conway*, 108 Ohio St.3d 214, 2006-Ohio-791, 842 N.E.2d 996, ¶136.

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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.

CUNNINGHAM, P.J., HENDON and MALLORY, JJ.

To the Clerk:

Enter upon the Journal of the Court on July 28, 2010

per order of the Court _____.
Presiding Judge