

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

STATE OF OHIO,	:	APPEAL NO. C-100779
Plaintiff-Appellee,	:	TRIAL NO. B-1002642
vs.	:	<i>JUDGMENT ENTRY.</i>
JACQUES VALERIUS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 11.1.1.

Defendant-appellant Jacques Valerius appeals the judgment of the Hamilton County Court of Common Pleas convicting him of breaking and entering. He was convicted after a jury trial.

In his sole assignment of error, Valerius contends that the conviction was based on insufficient evidence and was against the manifest weight of the evidence.

In reviewing the sufficiency of the evidence to support a conviction, the relevant inquiry for the appellate court “is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *State v. Waddy* (1992), 63 Ohio St.3d 424, 430, 588 N.E.2d 819. To reverse a conviction on the manifest weight of the evidence, a reviewing court must review the entire record, weigh the

OHIO FIRST DISTRICT COURT OF APPEALS

evidence and all reasonable inferences, consider the credibility of the witnesses, and conclude that, in resolving the conflicts in the evidence, the trier of fact clearly lost its way and created a manifest miscarriage of justice in finding the defendant guilty. *State v. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541.

R.C. 2911.13(A), governing breaking and entering, provides that “[n]o person by force, stealth, or deception, shall trespass in an unoccupied structure, with purpose to commit therein any theft offense * * *.”

In the case at bar, the conviction was in accordance with the evidence. Valerius was found in a vacant apartment building’s storage room where copper pipes and wiring had been pulled from the wall. There were cutting tools in the room and a duffel bag outside a basement window, which had been pried open. Thus, there was ample circumstantial evidence that Valerius had forcibly entered the building with the intent to commit a theft offense, and we cannot say that the jury lost its way in finding him guilty.

We overrule the assignment of error and affirm the judgment of the trial court.

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.

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

To the Clerk:

Enter upon the Journal of the Court on September 23, 2011

per order of the Court _____
Presiding Judge