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

STATE OF OHIO.	:	APPEAL NO. C-110220 TRIAL NO. B-1007567
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY.*
THOMAS FROHMILLER,	:	
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); Loc.R. 11.1.1.

Defendant-appellant Thomas Frohmiller appeals the judgment of the trial court convicting him of aggravated assault under R.C. 2903.12.

We consider Frohmiller's first, second, and third assignments of error together. In those assignments, Frohmiller challenges the sufficiency and weight of the evidence adduced to support his conviction, and he asserts that the trial court erred when it overruled his Crim.R. 29 motion for an acquittal. A sufficiency claim and the denial of a Crim.R. 29 motion for an acquittal are considered under the same standard of review. *State v. Gorrasi*, 1st Dist. No. C-090292, 2010-Ohio-2875, ¶11. When considering a sufficiency claim, we must determine, after viewing the evidence in the light most favorable to the state, whether a rational trier of fact could have found the elements of the crime beyond a reasonable doubt. *State v. Thompkins*, 78 Ohio St.3d 380, 386, 1997-Ohio-52, 678 N.E2d 541. Viewing the evidence in the light most favorable to the

state in this case, a rational trier of fact could have found the elements of aggravated assault beyond a reasonable doubt. Furthermore, we cannot say that the trial court clearly lost its way and created a manifest miscarriage of justice in finding the defendant guilty; therefore, we determine that Frohmiller's conviction was not against the manifest weight of the evidence. Id. at 387. The first, second, and third assignments of error are overruled.

In his fourth assignment of error, Frohmiller contends that the trial court erred in imposing the six-month prison sentence. We presume that the trial court gave proper consideration to the applicable sentencing statutes, and the record does not indicate that the trial court's decision was unreasonable, arbitrary, or unconscionable. *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, 896 N.E.2d 124, ¶18-19. We overrule Frohmiller's fourth assignment of error.

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.

HILDEBRANDT, P.J., SUNDERMANN and **FISCHER, JJ.**

To the clerk:

Enter upon the journal of the court on December 23, 2011

per order of the court _____.
Acting Presiding Judge