

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

STATE OF OHIO,	:	APPEAL NO. C-110651
Plaintiff-Appellee,	:	TRIAL NO. B-110061-C
vs.	:	
JAMES HUNTER,	:	<i>JUDGMENT ENTRY.</i>
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.2; App.R.11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant James Hunter was found guilty, following a bench trial, of one count of having a weapon under disability, two counts of felonious assault involving Terry Preston, one count of felonious assault involving Ryan Preston, and the accompanying firearm specifications. The trial court acquitted Hunter of five counts of felonious assault involving Tony Ingram, Karen Preston, and Brandon Preston, and the accompanying firearm specifications.

The trial court merged the two felonious assaults involving Terry Preston. It also merged the firearm specifications. It sentenced Hunter to six years in prison for each felonious-assault offense, to three years in prison for the merged firearm specifications, and to five years in prison for the weapon-under-disability offense. The trial court ordered that the prison terms for the felonious-assault and weapon-under-disability offenses be served concurrently with each other, but consecutively to the three-

year prison term for the merged firearm specifications, for an aggregate sentence of nine years in prison.

In a single assignment of error, Hunter argues that his convictions were supported by insufficient evidence and were contrary to the weight of the evidence.

But after viewing the evidence presented at trial in the light most favorable to the prosecution, we hold that a rational trier of fact could have found Hunter guilty beyond a reasonable doubt of the felonious assaults of Terry and Ryan Preston, having a weapon under disability, and the accompanying firearm specifications. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. Moreover, after reviewing the evidence, all reasonable inferences, and the credibility of the witnesses, we cannot conclude that the trial court lost its way and created such a manifest miscarriage of justice that we must reverse its judgment and order a new trial. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). We, therefore, overrule Hunter's sole assignment of error, and affirm the judgment of the trial court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

SUNDERMANN, P.J., CUNNINGHAM and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on October 17, 2012
per order of the court _____.
Presiding Judge