

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

DIANE M. SULLIVAN,	:	APPEAL NO. C-110777
Plaintiff-Appellee,	:	TRIAL NO. A-1102604
vs.	:	<i>JUDGMENT ENTRY.</i>
JACK READNOUR,	:	
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.

Following a bench trial, the trial court found that defendant-appellant Jack Readnour had breached a lease agreement that he had had with plaintiff-appellee Diane Sullivan. The trial court entered a \$15,879.11 judgment in favor of Sullivan for compensatory damages and for attorney fees. Readnour now appeals. We affirm.

In his first, third, and fourth assignments of error, Readnour claims that the trial court violated his constitutional rights when it denied him a jury trial. Readnour, however, did not request a jury in a timely manner. He therefore waived this right. Civ.R. 38(D); *Burke v. Gammarino*, 108 Ohio App.3d 138, 142-143, 670 N.E.2d 295 (1st Dist.1995). These assignments of error are overruled.

In his second assignment of error, Readnour asserts that the trial erred when it violated his right to testify. The record indicates that Readnour testified at length,

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and that the trial court properly curtailed Readnour's testimony to relevant matters under Evid.R. 401; *See State v. Simpson*, 1st Dist. No C-100789, 2011-Ohio-4578, ¶ 26. We therefore find no error. This assignment of error is overruled.

In his fifth, sixth, and seventh assignments of error, Readnour essentially attacks the weight of the evidence. The evidence adduced at trial indicates that Sullivan established all elements of her claim. And while Readnour presented a version of events that, if believed, may have absolved him, there is no indication that the trial court incorrectly weighed the evidence so as to create a manifest miscarriage of justice warranting a new trial. *Eastley v. Volkman* 132 Ohio St.3d 328, 2012-Ohio-2179, 972 N.E.2d 517; *State v. Thompkins*, 78 Ohio St.3d 380, 1997-Ohio-52, 678 N.E.2d 541. These assignments of error are overruled.

The trial court's judgment is affirmed.

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.

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

To the clerk:

Enter upon the journal of the court on October 10, 2012
per order of the court _____.
Presiding Judge