

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

STATE OF OHIO,	:	APPEAL NOS. C-110817
		C-110818
Plaintiff-Appellee,	:	TRIAL NOS. 11TRC-31793A
		11TRC-31793B
vs.	:	
		<i>JUDGMENT ENTRY.</i>
BRANDI MOON,	:	
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, defendant-appellant Brandi Moon was found guilty of operating a vehicle while under the influence of alcohol (“OVI”), in violation of R.C. 4511.19(A)(1)(a), and failing to be in reasonable control of her vehicle under R.C. 4511.202. On the OVI charge, the trial court sentenced Moon to 180 days’ incarceration, suspended 177, placed her on six months’ probation and ordered her to complete a driver’s intervention program. On the other charge, the trial court fined Moon \$75. Moon now appeals.

In her sole assignment of error, Moon claims that her convictions were against the weight and sufficiency of the evidence. This argument has no merit.

State’s witness police officer Jacob Mapel testified that, approximately ten to fifteen minutes after receiving a police radio broadcast about a “hit-and-skip”

accident, he had encountered Moon standing on the street close to a black Mercedes Benz car that was damaged on the front right side. Moon matched the description of the “hit-and-skip” driver. When questioned, Moon admitted to Mapel that she had been driving the damaged car, but told Mapel that she had hit a curb, not another vehicle. Mapel testified that Moon had had slurred speech and watery eyes, and that she admitted that she had been drinking earlier in the evening. Mapel also testified that Moon did not perform adequately on several field sobriety tests. Based on his observations, Mapel concluded that Moon was “appreciably impaired.” State’s witness police officer Michael Smith testified that he had discovered two cars that had been struck while parked in the vicinity of where Moon had been found, and that there were streaks of dark paint on each. He also testified that there were scrapes on the street by the cars. These scrapes were similar to markings found close to Moon’s car.

Defense counsel attempted to cast doubt on the state’s case by arguing that the state could not establish that Moon had been appreciably impaired at the time she had been driving, or that she had hit another car.

Viewing the evidence and all reasonable inferences in favor of the state, we hold that the state presented sufficient evidence to prove all elements of the charges against Moon beyond a reasonable doubt. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. And while Moon attempted to present a version of events that, if believed, may have absolved her, 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. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997); *State v. Martin*, 20 Ohio App.3d 172, 175, 485 N.E.2d 717 (1st Dist.1983). We therefore overrule this assignment of error.

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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 HENDON, JJ.

To the clerk:

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