

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

STATE OF OHIO,	:	APPEAL NO. C-120447
	:	TRIAL NO. 12CRB-7612
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
KAREN JOHNSON,	:	
	:	
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 Karen Johnson (“Johnson”) appeals the judgment of the Hamilton County Municipal Court convicting her of complicity to commit assault. She was convicted after a bench trial.

Gerald Johnson is Johnson’s nephew. He testified that he and Johnson had argued and that Johnson had threatened “to have somebody do something to me.” Gerald Johnson testified that, two days after the argument, Johnson had driven with a group of people to a parking lot near a gas station where he was selling compact discs. According to Gerald Johnson, a number of people had gotten out of the car and assaulted him while Johnson had shouted encouragement. Two bystanders substantially corroborated Gerald Johnson’s testimony concerning the events at the gas station, and the state presented photographic evidence of his injuries.

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Johnson testified that she had not gone to the gas station but had instead driven to a nearby restaurant. According to Johnson, she had attempted to protect Gerald Johnson when she had seen that he was being assaulted.

In two related assignments of error, Johnson argues 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*, 63 Ohio St.3d 424, 430, 588 N.E.2d 819 (1992). To reverse a conviction on the manifest weight of the evidence, a reviewing court must review the entire record, weigh the 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, 678 N.E.2d 541 (1997).

The assault statute, R.C. 2903.13(A), provides that “[n]o person shall knowingly cause or attempt to cause physical harm to another * * *.” R.C. 2923.03(A)(2), governing complicity, states that “[n]o person, acting with the kind of culpability required for the commission of an offense, shall * * * [a]id or abet another in committing the offense.”

In this case, the conviction was in accordance with the evidence. The state presented evidence that Johnson had threatened Gerald Johnson and had then driven a group of people near the gas station for the purpose of facilitating an assault. Although Johnson adduced evidence that she had not been involved in the assault, we cannot say that the trial court lost its way in finding her guilty.

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Accordingly, we overrule the assignments 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.

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

To the clerk:

Enter upon the journal of the court on March 20, 2013
per order of the court _____.
Presiding Judge