

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

STATE OF OHIO,	:	APPEAL NO. C-120536
	:	TRIAL NO. C-12CRB-16988
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
LAKEESHA PRICE,	:	
	:	
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 Lakeesha Price was found guilty of one count of child endangering, in violation of R.C. 2919.22. The trial court sentenced her to 180 days' incarceration, suspended 180 days, and ordered nine months of probation. Price's sentence has been stayed pending appeal.

In one assignment of error, Price contends that her conviction was not supported by sufficient evidence and that it was against the manifest weight of the evidence. Neither argument has merit.

At trial, the state presented evidence that Price had left her five-year-old daughter unattended after school. The girl, who had been crying inconsolably on her grandmother's front porch, had apparently been locked out of her grandmother's apartment. She was found by a neighbor. The neighbor was unable to calm the girl and called the police. It took police close to two hours to locate an adult who was

responsible for the child. Another neighbor testified that the girl was sometime at her home after school hours, but that she had no agreement with Price to watch her.

Price initially claimed that she had a childcare plan for her children and that a babysitter was supposed to watch her children. No babysitter testified. Price also argued that her behavior did not rise to the level of child endangering because there were neighbors and siblings nearby who could care for the child. The girl's eldest sibling who was in the area at the time of the offense was nine years old.

Viewing the evidence in a light most favorable to the state, we hold that there was sufficient evidence presented to find Price guilty of child endangering. Price's sufficiency argument is overruled on the authority of *State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991) and *State v. Martin*, 20 Ohio App.3d 172, 485 N.E.2d 717 (1st Dist.1983). As to the weight of the evidence, we hold that the court did not err by affording more weight to the state's version of events than to Price's defense. See *State v. Thompkins*, 78 Ohio St.3d 380, 678 N.E.2d 541 (1997); *Martin*, 20 Ohio App.3d 172, 485 N.E.2d 717.

Although not a weight or sufficiency argument, Price also claims in her assignment of error that the trial court did not apply the mens rea of "recklessness" to the facts of this case, and that the court applied its own standard of parenting instead.

The record indicates that the court questioned whether "recklessness" was the correct mens rea for the offense, and that counsel explained that it was and cited case law in support. There is no indication that the trial court rejected counsel's explanation or that the court did not know the elements of the offense. And the passage cited by Price to support her argument that the court judged this case based on its own standard of parenting was taken out of context. The court made the

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statement after it had found Price guilty, and the statement was a part of a larger discussion the court had with Price about taking care of her children. Accordingly, these arguments have no merit.

Price's sole assignment of error is 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.

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

To the clerk:

Enter upon the journal of the court on May 8, 2013

per order of the court \_\_\_\_\_.  
Presiding Judge