

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

STATE OF OHIO,	:	APPEAL NO. C-150333
Plaintiff-Appellee,	:	TRIAL NO. B-1403834A
vs.	:	<i>JUDGMENT ENTRY.</i>
ANTWAN HOCKER	:	
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 jury trial, defendant-appellant Antwan Hocker was found guilty of receiving stolen property and misuse of a credit card in violation of R.C. 2013.51(A) and 2913.21(B)(2), respectively. The trial court merged count two into count one, and sentenced Hocker to 30 days' incarceration and three years' community control on the receiving-stolen-property charge. This appeal followed.

In his first assignment of error, Hocker claims that the jury's verdict was against the manifest weight of the evidence. In his second assignment of error, Hocker contends that the trial court erred when it denied his Crim.R. 29(A) motion for an acquittal. We address these assignments of error together.

R.C. 2913.51(A), receiving stolen property, provides that "[n]o person shall * * * retain * * * property of another knowing or having reasonable cause to believe that the property had been obtained through the commission of a theft offense." In relevant part, R.C. 2913.21(B)(2), misuse of credit cards, states that no person, with purpose to defraud, shall obtain property or services by the use of a credit card

knowing that the card is being used in violation of the law. The jury in this case was given a complicity instruction. A person is complicitous where, when acting with the kind of culpability required for the commission of an offense, he or she aids or abets another in committing that offense. R.C. 2923.03(A).

At trial, the state presented evidence that Hocker aided and abetted his girlfriend in retaining a stolen credit card, and in misusing it. Victim Cathryn Wilson testified that she had had her Fifth Third Bank credit card stolen during a purse-snatching incident, and that she had not given anyone permission to use the card on the dates in question. Police officer Jay Manning testified that Hocker admitted that he knew that his girlfriend had the credit card, and that Hocker also knew that it had been stolen. Hocker further admitted that he and his girlfriend had gone shopping with the card. The state submitted into evidence Wilson's credit-card statement detailing the unauthorized purchases.

This evidence was such that reasonable minds could reach different conclusions as to whether the state had proven each element of the crimes beyond a reasonable doubt. The trial court therefore did not err when it overruled Hocker's Crim.R. 29(A) motion for an acquittal. *See State v. Bridgeman*, 55 Ohio St.2d 261, 381 N.E.2d 184 (1978), syllabus.

And upon a review of the record, we cannot say that the jury so lost its way in weighing the evidence presented 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 71 (1st Dist.1983).

Hocker's first and second assignments of error are overruled.

The trial court's judgment is affirmed.

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.

HENDON, P.J., DEWINE and STAUTBERG, JJ.

OHIO FIRST DISTRICT COURT OF APPEALS

To the clerk:

Enter upon the journal of the court on March 23, 2016
per order of the court _____.

Presiding Judge