

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

STATE OF OHIO,	:	APPEAL NO. C-180399
Plaintiff-Appellee,	:	TRIAL NO. B-1800994
vs.	:	<i>JUDGMENT ENTRY.</i>
JOSEPH MORGESON,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

After a jury trial, defendant-appellant Joseph Morgeson was convicted on one count of aggravated possession of drugs, in violation of R.C. 2925.11(A). In two assignments of error, Morgeson argues his conviction was not supported by sufficient evidence and was against the manifest weight of the evidence.

The record shows that Morgeson was apprehended by the police due to outstanding warrants. The arresting officer testified that he recovered off of Morgeson's person a cellphone that contained a small quantity of methamphetamine concealed in the phone's case. Morgeson testified in his defense and claimed that he did not own a cellphone on the date of his arrest, including the one containing the drugs, and that the officer had not found the phone on him. Morgeson implied that the officer had actually recovered the phone from inside Morgeson's car, which had contained several passengers.

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The jury was free to believe either witness, and apparently believed the officer. The officer's testimony was detailed and very consistent. During a thorough cross-examination, he indicated that he was "100 percent sure" he had recovered the phone from Morgeson's person during a limited pat-down search, even though he was not sure if he had retrieved it from Morgeson's hand or pocket. Morgeson was adamant that the phone was not his and that the officer had not found it on him, but he also admitted that he had previously been convicted of a felony, thereby impeaching his credibility.

Ultimately, the jury had before it sufficient evidence on all the elements of the offense, and there is no basis to conclude that the jury lost its way or committed a manifest miscarriage of justice in resolving the factual issues against Morgeson. *State v. Thompkins*, 78 Ohio St.3d 380, 678 N.E.2d 541 (1997).

Accordingly, we overrule the assignments of error and affirm the trial court's judgment.

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.

ZAYAS, P.J., BERGERON and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on October 16, 2019
per order of the court _____.
Presiding Judge