

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

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| STATE OF OHIO, | : | APPEAL NO. C-160617 |
| | | C-160618 |
| Plaintiff-Appellee, | : | TRIAL NO. 16CRB-3147A |
| | | 16CRB-3147B |
| vs. | : | |
| LARETTA PRUITT, | : | <i>JUDGMENT ENTRY.</i> |
| 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.

Laretta Pruitt appeals her convictions for child endangering. She raises three assignments of error. For the reasons that follow, we overrule each assignment of error and affirm the trial court's judgment.

We consider Pruitt's first two assignments of error together. Pruitt asserts that her convictions were not supported by sufficient evidence and were against the manifest weight of the evidence. When reviewing a challenge to the sufficiency of the evidence, we must determine, after viewing the evidence in a light most favorable to the prosecution, whether any rational trier of fact could have found the essential elements of the offenses proved beyond a reasonable doubt. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. To reverse a conviction on the manifest weight of the evidence, this court must review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether the trier of fact clearly lost its way and created a manifest miscarriage of justice in finding the defendant guilty. *See State v. Thompkins*, 78 Ohio St.3d 380, 386-387, 678 N.E.2d 541 (1997).

Here, the state presented evidence that Pruitt allowed Davis, the father of her children, to live with them, and that Davis was selling heroin in the apartment parking lot. A search of the home yielded a jar of marijuana, a digital scale with cocaine residue, and a kilo press that tested positive for cocaine. The evidence was sufficient to support the convictions for child endangering. Several courts have held that permitting illegal drugs to be present in the home or in the presence of children is a violation of R.C. 2919.22(A). See *State v. Ray*, 2d Dist. Montgomery No. 24536, 2012-Ohio-840, ¶ 16; *State v. Byrd*, 2d Dist. Champaign No. 99-CA-17, 2000 WL 353135, *2 (Apr. 7, 2000); *State v. Tschudy*, 9th Dist. Summit No. 16820, 1995 WL 312695, *2 (May 24, 1995); *State v. Moore*, 6th Dist. Sandusky No. S-90-16, 1991 WL 355133, *5, (Sept. 20, 1991).

In her final assignment of error, Pruitt claims that the trial court erred in overruling her Crim.R. 29 motion after the jury acquitted her on the permitting-drug-abuse charge, because the verdicts were inconsistent. First, we note that Pruitt did not renew her motion after the jury verdict. Even if she had, this court has held that “[t]he several counts of an indictment containing more than one count are not interdependent and an inconsistency in a verdict does not arise out of inconsistent responses to different counts, but only arises out of inconsistent responses to the same count.” *State v. Gonzalez*, 154 Ohio App.3d 9, 2003-Ohio-4421, 796 N.E.2d 12, ¶ 106 (1st Dist.), quoting *State v. Lovejoy*, 79 Ohio St.3d 440, 683 N.E.2d 1112 (1997), paragraph one of the syllabus. The jury found Pruitt guilty of child endangering, and that finding was not inconsistent with the jury's acquittal on the permitting-drug-abuse charge.

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

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.

CUNNINGHAM, P.J., ZAYAS and DETERS, JJ.

OHIO FIRST DISTRICT COURT OF APPEALS

Enter upon the journal of the court on July 7, 2017
per order of the court _____.

Presiding Judge