

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

STATE OF OHIO,	:	APPEAL NOS. C-200315
		C-200316
Plaintiff-Appellee,	:	TRIAL NOS. 20CRB-1329A
		20CRB-1329B
vs.	:	
		<i>JUDGMENT ENTRY.</i>
RONALD W. HOOKS,	:	
Defendant-Appellant.	:	

We consider these appeals 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.

In the appeal numbered C-200315, Ronald W. Hooks appeals his conviction, after a bench trial, on one count of assault. Hooks argues in a single assignment of error that his assault conviction was not supported by sufficient evidence and was against the manifest weight of the evidence. We disagree.

The evidence shows that Hooks had an altercation with Valla Stegall (“Valla”) on the evening of January 19, 2020, inside the residence of Dyshidia Stegall, (“Dyshidia”) Valla’s daughter and Hooks’s friend. According to Valla, Hooks “pushed” and “punched” her and threw her cell phone against the wall, cracking the screen.

Hooks testified that he did not “put [his] hands on” Valla, but acknowledged he “was going towards her” during an argument and she ended up on the couch due to a “nudge” from his “body weight.” He also admitted to damaging Valla’s phone. Dyshidia testified for the defense but was very evasive, despite her presence during the incident.

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We hold that Hooks’s assault conviction was supported by sufficient evidence and was not against the weight of the evidence. *See State v. Thompkins*, 78 Ohio St.3d 380, 386-387, 678 N.E.2d 541 (1997); *State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. First, any rational trier of fact, viewing Valla’s testimony in the light most favorable to the state, could have found beyond a reasonable doubt that Hooks knowingly caused or attempted to cause physical harm to Valla, in contravention of R.C. 2903.13(A). Second, our review of the entire record fails to persuade us that the trial court lost its way when resolving conflicts in the evidence and created such a manifest miscarriage of justice that the conviction must be set aside.

The weight to be given the evidence and the credibility of the witnesses are primarily for the trier of fact. *See State v. DeHass*, 10 Ohio St.2d 230, 227 N.E.2d 212 (1967), paragraph one of the syllabus. Here, the trial court expressly found that Dyshidia was not credible and was trying to protect her friend Hooks, who admittedly was angry at Valla and damaged her phone after the “nudge.” This is not the “exceptional case” in which the evidence weighs heavily against the conviction. *See State v. Martin*, 20 Ohio App.3d 172, 175, 485 N.E.2d 717 (1st Dist.1983).

Consequently, we overrule the assignment of error and affirm the trial court’s judgment in the appeal numbered C-200315.

Hooks affirmatively abandoned the appeal numbered C-200316, taken from his conviction for criminal damaging. Accordingly, we dismiss that appeal. *See State v. Harris*, 2017-Ohio-5594, 92 N.E.3d 1283, ¶ 42 (1st Dist.).

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.

MYERS, P.J., WINKLER and BOCK, JJ.

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To the clerk:

Enter upon the journal of the court on July 21, 2021,
per order of the court _____.
Administrative Judge