

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

STATE OF OHIO,	:	APPEAL NO. C-150669
Plaintiff-Appellee,	:	TRIAL NO. 15CRB-17575
vs.	:	<i>JUDGMENT ENTRY.</i>
CLARENCE HAM,	:	
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.

Following a bench trial, defendant-appellant Clarence Ham was convicted of assault. Ham had punched his then-girlfriend Flower Hodge in the face several times during an argument at her home, splitting her lip open. The trial court sentenced Ham to 150 days in jail, and to pay a fine and court costs. Ham now appeals.

In a single assignment of error, Ham challenges the weight and sufficiency of the evidence against him. To find Ham guilty of assault, the trier of fact had to find that he knowingly caused or attempted to cause physical harm to Hodge. *See* R.C. 2903.13(A). At trial, the state produced ample evidence that Ham had punched Hodge, causing injury to her face and mouth. The state's evidence included a responding police officer's testimony that Hodge had been bleeding from her mouth. Consequently, we hold that a rational trier of fact, viewing the evidence in a light

most favorable to the state, could have found that the state had proved beyond a reasonable doubt that Ham had committed the offense of assault. Therefore, the evidence was legally sufficient to sustain his conviction. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus.

The trial court was entitled to reject Ham's testimony that he had not punched Hodge. The weight to be given the evidence and the credibility of the witnesses were 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. Moreover, our review of the record fails to persuade us that the trial court, acting as the trier of fact, clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). Therefore, we overrule the sole assignment of error and affirm the trial court's judgment.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

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

To the clerk:

Enter upon the journal of the court on September 9, 2016

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