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

STATE OF OHIO,	:	APPEAL NO. C-160737 TRIAL NO. B-1601038
Plaintiff-Appellee,	:	*JUDGMENT ENTRY.*
vs.	:	
RAISHAWN JACKSON,	:	
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 jury trial, defendant-appellant Raishawn Jackson was convicted of two counts of aggravated robbery under R.C. 2911.01(A)(1). We find no merit in Jackson's two assignments of error, and we affirm his convictions.

In his first assignment of error, Jackson contends that the trial court erred by removing a juror for cause. He argues that the trial court abused its discretion in removing the juror who had reported personal knowledge of a state's witness without determining whether the juror could remain impartial and whether she had bias against the state or the defendant. This assignment of error is not well taken.

Under R.C. 2945.29, a trial court may remove a juror and replace that juror with an alternate whenever facts are presented that convince the court that the

juror's ability to perform his or her duty, including the duty to remain impartial, is impaired. *State v. White*, 1st Dist. Hamilton No. C-150250, 2016-Ohio-3329, ¶ 32; *State v. Hopkins*, 27 Ohio App.3d 196, 197, 500 N.E.2d 323 (11th Dist.1985). The test for juror impartiality is whether a juror's views will impair the juror's judgment to the extent that the juror would not be able to faithfully and impartially determine the facts and apply the law according to the court's instructions and render a verdict based on the evidence. *White* at ¶ 33, citing *Irvin v. Dowd*, 366 U.S. 717, 723, 81 S.Ct. 1639, 6 L.Ed.2d 751 (1961), and *Dayton v. Gigandet*, 83 Ohio App.3d 886, 891-892, 615 N.E.2d 1131 (2d Dist.1992). We review the trial court's decision on whether to remove a juror for bias for an abuse of discretion. *White* at ¶ 35; *State v. Gleason*, 65 Ohio App.3d 206, 209, 583 N.E.2d 975 (1st Dist.1989).

The juror told the court that she had realized that she knew one of the robbery victims when she had seen him testify. She said that the victim was involved in some sort of fraudulent computer business. When asked if her ability to be fair and impartial was compromised by her knowledge of him, she stated, "I would like to say no, but I can't say with 100 percent certainty that it doesn't affect how I view him as a person and, perhaps, what he says." Thus, the juror indicated that she would not be able to determine the facts based on the evidence she heard in the courtroom. The trial court's decision to remove her for cause was not so arbitrary, unreasonable or unconscionable as to connote an abuse of discretion. *See State v. Darmond*, 135 Ohio St.3d 343, 2013-Ohio-966, 986 N.E.2d 971, ¶ 34; *White* at ¶ 35. Consequently, we overrule Jackson's first assignment of error.

In his second assignment of error, Jackson contends that his convictions were not supported by sufficient evidence. He argues that the evidence did not show that

he had aided and abetted in the robberies, but only that he was present when the robberies had occurred. This assignment of error is not well taken.

R.C. 2923.03(A)(2) provides that "[n]o person, acting with the kind of culpability required for the commission of an offense, shall * * * [a]id or abet another in committing the offense." To support a conviction for complicity by aiding and abetting, the evidence must show that the defendant supported, assisted, encouraged, cooperated with, advised, or incited the principal in the commission of the crime, and that the defendant shared the criminal intent of the principal. *State v. Johnson*, 93 Ohio St.3d 240, 754 N.E.2d 796 (2001), syllabus; *State v. Brewster*, 157 Ohio App.3d 342, 2004-Ohio-2722, 811 N.E.2d 162, ¶ 45 (1st Dist.). Mere presence of an individual at the scene of the crime is not sufficient to prove aiding and abetting. But aiding and abetting can be inferred from "presence, companionship and conduct before and after the offense is committed." *Brewster* at ¶ 45, citing *Johnson* at 245.

The evidence regarding the first robbery clearly showed that Jackson aided and abetted in the commission of the offense. Though Jackson did not hold the gun, the victim testified that the individual he later identified as Jackson rummaged through the trunk and glove compartment of his car. Additionally, a palm print found on the car matched Jackson's print.

As to the second robbery, the victim originally described Jackson as an "observer." But he also testified that Jackson and the man with the gun approached him together. Jackson stood next to the gunman as he pulled out the gun and demanded the victim's valuables. When the robbery was completed, Jackson and the gunman ran off together.

Moreover, the police investigated the two robberies together because they involved a similar modus operandi. They also occurred within a few blocks and within a day of each other. Thus, there was circumstantial evidence from which the jury could have reasonably inferred that Jackson shared the principal's criminal intent and was an active participant in the crimes.

Our review of the record shows that a rational trier of fact, after viewing the evidence in a light most favorable to the prosecution, could have found beyond a reasonable doubt that that the state had proved all of the elements of both counts of aggravated robbery. Therefore, the evidence was sufficient to support the convictions. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus; *State v. Ojile*, 1st Dist. Hamilton Nos. C-110677 and C-110678, 2012-Ohio-6015, ¶ 48. Consequently, we overrule Jackson's second assignment of error and affirm his convictions.

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

MOCK, P.J., ZAYAS and **DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on December 27, 2017
per order of the court _____.
Presiding Judge