

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

STATE OF OHIO,	:	APPEAL NO. C-170033
	:	TRIAL NO. C-16CRB-24044B
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
KAYLA WARNER,	:	
	:	
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, Kayla Warner was convicted of child endangering in violation of R.C. 2919.22(A). In one assignment of error, she challenges both the weight and the sufficiency of the evidence. We affirm.

Police officer Brain Hoffman testified that he found three-year-old K.W. alone and shoeless on a busy part of Montgomery Road that was “utterly unsafe” for a young, unattended child. The child led the officer to her apartment, approximately one block away. Officer Hoffman testified that Warner, the child’s mother, was asleep on a couch in the apartment. When Hoffman questioned Warner, Warner admitted that K.W. had wandered off before. Hannah Walker, a Hamilton County Department of Job and Family Services worker, testified that there had been a prior substantiated report of neglect because K.W. had left her apartment, unsupervised.

**OHIO FIRST DISTRICT COURT OF APPEALS**

---

The crux of Warner’s argument is that the state did not prove the requisite mens rea of “recklessness” because the first time that K.W. had wandered off, she had not been under Warner’s care. Whether she was under her mother’s care is irrelevant. Warner was aware of her daughter’s propensity. Accordingly, Warner’s conviction was not against the weight or the sufficiency of the evidence. *See State v. Thompkins*, 78 Ohio St.3d 380, 386-387, 678 N.E.2d 541 (1997); *State v. Martin*, 20 Ohio App.3d 172, 175, 485 N.E.2d 717 (1st Dist.1983).

Warner’s sole assignment of error is overruled.

The trial court’s judgment is affirmed.

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.

**MYERS, P.J., MILLER and DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on January 24, 2018

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