

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

STATE OF OHIO,	:	APPEAL NOS. C-170273
		C-170274
Plaintiff-Appellee,	:	C-170275
		TRIAL NOS. 17CRB-12856 A, B, C
vs.	:	
		<i>JUDGMENT ENTRY.</i>
DARELL PAGE,	:	
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.

Defendant-appellant Darell Page appeals his convictions for two counts of assault and criminal damaging. The victims of the assault charges were Page’s former girlfriend Kayana Robinson and her daughter Labreisha Tisdale.

During a bench trial, Tisdale testified that Page had become aggressive towards Robinson while visiting their home. When Tisdale told Page that she was going to call the police, he struck her in the head. Robinson then attacked Page and stabbed him in the neck with what Page testified was a nail file. Robinson was scratched by Page while they “tussled.” As he left the home, Page picked up a video game system and threw it into a flat screen television. He additionally threw plates onto the floor. Tisdale did not seek medical attention for her injury, but suffered pain and used an ice pack to stop her head from throbbing.

Page testified in his own defense, stating that Robinson attacked him while the two were arguing about a video game system, and that she hit him and stabbed

him with the nail file. Page denied striking Tisdale, and stated that Tisdale jumped into the altercation after Robinson hit him. He also denied destroying any items in the home as he left.

The trial court found Page guilty of all three offenses after indicating that it found Robinson and Tisdale to be credible and stating that it believed Page had been lying to the court.

In a single assignment of error, Page argues that his convictions were against the manifest weight of the evidence. We find no merit to his argument. Robinson's and Tisdale's testimony established that Page had committed the offenses of assault and criminal damaging. The trial court was in the best position to judge the credibility of the witnesses, and it was entitled to find their testimony credible and to reject the testimony offered by Page. *See State v. DeHass*, 10 Ohio St.2d 230, 227 N.E.2d 212 (1967). And because Page created the violent situation by striking Tisdale in the head, he cannot demonstrate by a preponderance of the evidence that he had acted in self-defense when assaulting Robinson. *See State v. Salaam*, 2015-Ohio-4552, 47 N.E.3d 495, ¶ 15 (1st Dist.).

This was not the rare case where the trier of fact lost its way and committed such a manifest miscarriage of justice that Page's convictions must be reversed. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). We hold that Page's convictions were not against the manifest weight of the evidence. Page's assignment of error is overruled, and the judgments of the trial court are 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.

CUNNINGHAM, P.J., MYERS and MILLER, JJ.

To the clerk:

Enter upon the journal of the court on June 8, 2018
per order of the court _____.

Presiding Judge