

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

STATE OF OHIO,	:	APPEAL NO. C-170401
	:	TRIAL NO. C-14CRB-32564
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
VALENTINO ABAFO,	:	
	:	
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, Valentino Abafo was found guilty of assault in violation of R.C. 2901.13. The court sentenced Abafo to two years community control, 180 days incarceration (150 suspended with one day credited), fines and restitution. Abafo filed a premature notice of appeal that was perfected once the trial court entered a final order. *See* App.R. 4(C). This appeal followed.

At trial, it was not disputed that Abafo, upset by being “cut off” in traffic followed Janet Thompson to a Meijer parking lot. Thompson and bystander Christine Scott testified that Abafo confronted Thompson in her car, then reached through Thompson’s passenger-side window and repeatedly punched her. The state submitted into evidence photographs of Thompson taken shortly after the attack showing scratches and redness on Thomspson’s face and chest. Abafo denied hitting

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Thompson, and claimed instead that he had reached into Thompson's car to slap a cell phone out of her hand to stop her from taking pictures of him.

In his first assignment of error, Abafo contends that his conviction was against the manifest weight of the evidence. Upon a review of the record, we find that the trial court did not so lose its way in weighing the evidence presented as to create a manifest miscarriage of justice warranting a reversal. We therefore overrule this assignment of error on the authority of *State v. Thompkins*, 78 Ohio St.3d 380, 678 N.E.2d 541 (1997).

In his second assignment of error, Abafo argues that his conviction is not supported by sufficient evidence. It is. Either Thompson's or Scott's testimony standing alone was sufficient to establish a violation of R.C. 2901.13. We overrule this assignment of error on the authority of *State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991).

The trial court's judgment is affirmed.

A certified copy of this judgment entry is 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., ZAYAS and MILLER, JJ.

To the clerk:

Enter upon the journal of the court on September 26, 2018

per order of the court _____.

Presiding Judge