

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

STATE OF OHIO,	:	APPEAL NO. C-170424
	:	TRIAL NO. B-1605038
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DANIEL PARKER,	:	
	:	
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.

A jury found Daniel Parker guilty of having a weapon while under a disability and tampering with evidence, but acquitted him of more serious charges based on self-defense. The trial court sentenced Parker to six years of incarceration. This appeal followed.

Parker shot and killed a man in self-defense near a Speedway gas station. He initially told police that he threw the handgun in bushes near the Speedway. But at trial, Parker testified that he had buried the gun at Towerview Apartments. In a single assignment of error, Parker contends that counsel was ineffective for failing to move for an acquittal on his tampering with evidence charge based on the state's failure to prove venue.

OHIO FIRST DISTRICT COURT OF APPEALS

Here, the state offered both direct and circumstantial evidence that the Speedway and surrounding area are in Hamilton County. *See State v. Sullivan*, 1st Dist. Hamilton Nos. C-130628 and C-130629, 2014-Ohio-3112, ¶ 8. Deputy Sheriff Ed Campbell testified that he was sitting in his cruiser in the Speedway parking lot when he responded to a call reporting a shooting at or near the Speedway, and that he was in Hamilton County at the time. Further, the evidence showed that city of Cincinnati and Hamilton County officials searched the area for a gun—and not law enforcement officers from jurisdictions outside Hamilton County. The state provided sufficient evidence of venue as to one location to overcome both a Crim.R. 29(A) and (C) motion on the tampering with evidence charge. Counsel therefore was not ineffective for failing to argue for an acquittal based on venue. *See State v. Bradley*, 42 Ohio St.3d 136, 538 N.E.2d 373 (1989), paragraph two of the syllabus. We overrule Parker’s sole assignment of error.

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.

MOCK, P.J., MILLER and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on August 1, 2018

per order of the court _____.

Presiding Judge