

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

STATE OF OHIO,	:	APPEAL NO. C-170551
	:	TRIAL NO. B-1606089
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
AMANDA HIGGINS,	:	
	:	
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.

Defendant-appellant was found guilty of two counts of felonious assault, following a bench trial. She appeals her conviction, raising two assignments of error.

In the first assignment of error, Higgins alleges, and the state agrees, that the sentencing entry erroneously states that she was convicted of five counts of felonious assault. Therefore, we sustain the first assignment of error, and remand the cause to the trial court with instructions to issue a nunc pro tunc entry that reflects that counts three through six were dismissed.

In the second assignment of error, Higgins claims that the conviction was against the manifest weight of the evidence because the state failed to prove that she knowingly caused serious physical harm. Specifically, Higgins alleges that the state failed to prove she knowingly struck the victim with her car because she was blinded by mace, while driving from the scene, and did not know the victim was in her path.

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Multiple witnesses testified that numerous individuals were standing in front of Higgins's car when she drove into them. The trial court found that even if she were maced, she knew that driving her car toward a crowd would result in her car striking at least one person.

After reviewing the entire record, we cannot say that the court clearly lost its way and created such a manifest miscarriage of justice that we must reverse Higgins's conviction and order a new trial. Therefore, the conviction is not against the manifest weight of the evidence. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). We overrule Higgins's second assignment of error.

We affirm the judgment of the trial court, but remand the cause to the trial court for a nunc pro tunc entry reflecting that counts three through six were dismissed.

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., ZAYAS and MYERS, JJ.

To the clerk:

Enter upon the journal of the court on July 20, 2018

per order of the court _____.

Presiding Judge