

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

STATE OF OHIO,	:	APPEAL NO. C-180092
	:	TRIAL NO. 17CRB-29112
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
TARYN NOLEN,	:	
	:	
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.

Taryn Nolen was charged with menacing Dwayne Baggett, the father of her three-year-old child. At a bench trial, Baggett testified that he was watching their child at his home so that Nolen could run errands, when Nolen texted to say that she would not be able to pick up the child at the pre-arranged time. When Baggett told Nolen that she would have to get the child so that he could leave for work, Nolen responded with what Baggett felt were threatening text messages. Then Nolen arrived at Baggett’s residence with several other people and loudly threatened that one of them would shoot him. At the conclusion of the evidence, the trial court acquitted Nolen of menacing and found her guilty of the lesser offense of disorderly conduct.

On appeal, Nolen argues that her conviction for disorderly conduct was against the manifest weight of the evidence. R.C. 2917.11(A)(1) provides that “[n]o

person shall recklessly cause inconvenience, annoyance, or alarm to another by * * * [e]ngaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior.” Nolen contends that Baggett was not a credible witness and that she did not threaten him as he claimed. However, the trial court, as the trier of fact, was in the best position to judge the witness’s credibility. *See State v. Pennington*, 1st Dist. Hamilton No. C-170200, 2018-Ohio-3640, ¶ 79. And in this case, the trial court specifically found Baggett credible. Following our review of the record, we cannot say that the trier of fact “clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered.” *State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997), quoting *State v. Martin*, 20 Ohio App.3d 172, 175, 485 N.E.2d 717 (1983).

Therefore, we overrule the single assignment of error and affirm the judgment of the trial court.

Further, 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.

MOCK, P.J., ZAYAS and MYERS, JJ.

To the clerk:

Enter upon the journal of the court on December 5, 2018
per order of the court _____.
Presiding Judge