

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

STATE OF OHIO,	:	APPEAL NO. C-180123
Plaintiff-Appellee,	:	TRIAL NO. 18CRB-3258
vs.	:	<i>JUDGMENT ENTRY.</i>
FREDERICK SUGGS,	:	
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 Frederick Suggs appeals his conviction for domestic violence. In his sole assignment of error, Suggs argues that his conviction was against the manifest weight of the evidence.

Suggs argues that the trial court lost its way in finding him guilty, because the evidence does not support a finding that he caused physical harm to the victim. Suggs does not dispute that the victim sustained an eye injury, but he argues that the victim may have hit her eye on the table or windowsill. Alternatively, Suggs argues that any physical harm that he caused Robbins was in the course of a mutual fight, and the trial court should have found him guilty of the lesser-included offense of disorderly conduct.

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The victim testified that she and Suggs had been in a physical altercation. The fight ended and the victim bent over to retrieve her cell phone. When she bent over, Suggs punched the victim in the eye without warning. Suggs fled the scene. The victim had a laceration across her eyelid, which required 15 stitches. The responding officer corroborated the victim's injury.

The trial court was in the best position to judge the credibility of the witnesses, and the trial court was free to believe the victim's testimony. *See State v. Neal*, 1st Dist. Hamilton No. C-140667, 2015-Ohio-4705, ¶ 55. Suggs has not shown that his conviction was 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 Suggs's assignment of error. The judgment of the trial court is affirmed.

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.

MYERS, P.J., CROUSE and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on April 10, 2019

per order of the court _____
Presiding Judge