

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

STATE OF OHIO,	:	APPEAL NO. C-180304
Plaintiff-Appellee,	:	TRIAL NO. 18CRB-1617
vs.	:	
JALEN WALKER, ¹	:	<i>JUDGMENT ENTRY.</i>
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.

The defendant-appellant, Jalen Walker, appeals from his conviction, following a bench trial, on one count of aggravated menacing in violation of R.C. 2903.21.

At trial, Rodney Dyson testified that as he exited from his sister’s house on January 22, 2018, a person he later learned to be Walker jumped out of a black car that Dyson recognized as belonging to Sara Adams, a “friend” of his at the time. According to Dyson, Walker accused him of having a sexual relationship with his “bitch,” said, “I’m gonna to kill you mother fucker,” then retrieved something from the car and threatened to shoot Dyson and his truck. Dyson believed that Walker was going to shoot him and went into his sister’s house to escape the threat until the police arrived. Dyson claimed also that he

¹ The defendant-appellant’s first name was listed on the complaint and the judgment of conviction as “Jaylen,” but it was listed on the notice of appeal as “Jalen.”

had called Adams to find out who had been driving her car that day and had informed her of the threat from Walker.

Adams testified for the defense in an unsuccessful effort to impeach Dyson's credibility and show that Dyson had made up the entire incident because he did not like that Adams was in a relationship with Walker. After the presentation of the evidence, the trial court found Walker guilty of aggravated menacing.

In his sole assignment of error, Walker argues that his conviction was against the manifest weight of the evidence. Walker argues that the victim's testimony was not credible, but the weight to be given the evidence and the credibility of the witnesses are primarily for the trier of fact. *State v. DeHass*, 10 Ohio St.2d 230, 227 N.E.2d 212 (1967), paragraph one of the syllabus. After reviewing the record, we hold there is no basis to conclude that the trial court lost its way or created a manifest miscarriage of justice in resolving the factual issues against Walker. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997).

Accordingly, we overrule the assignment of error and affirm the trial court's judgment.

Further, a certified copy of this judgment entry 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 May 8, 2019
per order of the court _____.
Presiding Judge