

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

STATE OF OHIO,	:	APPEAL NO. C-180618
		TRIAL NO. 18CRB-19407
Plaintiff-Appellee,	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
MANUEL PINEDA VENTURA,	:	
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 Manuel Pineda Ventura appeals from the judgment of the Hamilton County Municipal Court convicting him, after a bench trial, of disorderly conduct, in violation of R.C. 2917.11. In his sole assignment of error, Ventura argues his conviction is against the manifest weight of the evidence. We disagree.

The evidence at trial showed that Ventura bit Charles Brewster on his torso during an altercation occurring outside the entrance to Brewster's apartment building. At the time Brewster encountered Ventura, Brewster was in a weakened state and returning home from the hospital. Ventura was in the company of several friends.

Although Ventura claimed that he had acted in self defense, the weight to be given the evidence and the credibility of the witnesses are primarily for the trier of fact. *See State v. DeHass*, 10 Ohio St.2d 230, 227 N.E.2d 212 (1967), paragraph one of the syllabus. Upon our review of the record, we cannot say that the trial court clearly lost

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its way and created a manifest miscarriage of justice in resolving the factual issues against Ventura and convicting him of disorderly conduct. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997).

Consequently, 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.

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

To the clerk:

Enter upon the journal of the court on March 31, 2020
per order of the court _____.
Presiding Judge