

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

STATE OF OHIO,	:	APPEAL NO. C-150055
Plaintiff-Appellee,	:	TRIAL NO. B-1402433
vs.	:	
DESHAWN STAFFORD,	:	<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* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Deshawn Stafford appeals his conviction for one count of rape, in violation of R.C. 2907.02(A)(2). For the reasons set forth below, we affirm the judgment of the trial court.

On New Year's Eve, Stafford hosted a party at his apartment, which S.W. attended. After the party had ended and the other attendees were asleep, Stafford borrowed his girlfriend's vehicle and drove with S.W. to his grandparents' home. While en route back to the apartment, S.W. asked Stafford to pull over due to his erratic driving. Stafford pulled over in a school parking lot.

In the parking lot, after reminiscing about the time that they dated in high school, Stafford made unwanted romantic advances towards S.W. Stafford got into the back seat and ordered S.W. to get into the back seat with him. S.W. declined several times, but only agreed after Stafford used an aggressive tone. Once S.W. was in the back seat, Stafford demanded that she remove her clothes, but she refused.

Stafford then “yanked her pants off,” pulled out a knife, and threatened to cut off her undergarments if she did not obey. S.W., scared that Stafford would use the knife, complied. Stafford then penetrated S.W. vaginally and attempted to penetrate her anally. S.W. testified that she failed in forcing Stafford off of her. Throughout this incident, S.W. told Stafford numerous times that she did not want to engage in sexual relations.

After the incident, Stafford drove S.W. back to his apartment. S.W. collected her belongings and called her mother, who then called the police. S.W. met with a Mt. Healthy police officer, who took her statement. During the investigation, police found a pocketknife and stains on the back seat of the vehicle. Both were attributed to Stafford.

A few hours after the incident, S.W. received a medical examination from Vicki Minnich, a sexual assault nurse examiner. Minnich examined and photographed S.W.’s injuries. The photographs showed several external tears in S.W.’s vaginal area and bruising on various areas of her body. Minnich concluded that the tears were from “blunt force,” and were consistent with rough sex and an individual who was not prepared for intercourse.

The case proceeded to a bench trial. The trial court, after hearing the testimony from several officers, Minnich, and S.W., and reviewing the evidence and the photographs from the scene, found Stafford guilty of rape. The trial court sentenced Stafford to serve five years’ incarceration and credited Stafford for 339 days served. He timely appealed his conviction.

In Stafford’s sole assignment of error, Stafford contends that his conviction was based on insufficient evidence and was against the manifest weight of the evidence. Stafford argues that his encounter with S.W. was consensual, and that the

state failed to prove beyond a reasonable doubt that Stafford purposely compelled S.W. to engage in sexual conduct with him by force or threat of force. Stafford also argues that because S.W. provided various accounts of the event, her testimony was not credible.

In reviewing the record for the sufficiency of the evidence, we view the evidence in a light most favorable to the prosecution and determine whether “any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.” *State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. To reverse a conviction on the manifest weight of the evidence, we must review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and conclude that, in resolving the conflicts in the evidence, the trier of fact clearly lost its way and created a manifest miscarriage of justice. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.3d 541 (1997); *State v. Martin*, 20 Ohio App.3d 172, 175, 485 N.E.2d 717 (1st Dist.1983). The weight of the evidence and the credibility of witnesses are primarily for the trier of fact. *See State v. Bryan*, 101 Ohio St.3d 272, 2004-Ohio-971, 804 N.E.2d 433, ¶ 90.

Rape is defined by R.C. 2907.02(A)(2), which states that “[n]o person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.” “A person acts purposely when it is the person’s specific intention to cause a certain result.” R.C. 2901.22(A). Force is defined as “any violence, compulsion, or constraint physically exerted by any means upon or against a person * * * .” R.C. 2901.01(A)(1).

Here, S.W. testified that Stafford threatened to cut off her undergarments with a knife if she did not remove them. S.W. also testified that Stafford then

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proceeded to penetrate her without her consent. Minnich testified that her examination of S.W.'s injuries was consistent with a lack of sexual preparedness. Additionally, police found a pocketknife in the back seat of the vehicle where the incident occurred. Therefore, looking at the evidence in the light most favorable to the prosecution, we hold that a rational trier of fact could have found the essential elements of rape proven beyond a reasonable doubt.

Our review of the entire record also fails to persuade us that the trial court lost its way and created a manifest miscarriage of justice. Although there were a few irregularities in S.W.'s statements compared to her testimony at trial, the important details were consistent. The photographs and the testimony of the other witnesses further supported S.W.'s account of the incident. Therefore, we overrule Stafford's sole assignment of error. We affirm the judgment of the trial court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

DEWINE, P.J., MOCK and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on January 6, 2016
per order of the court _____.

Presiding Judge