

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

STATE OF OHIO,	:	APPEAL NO. C-150724
Plaintiff-Appellee,	:	TRIAL NO. 15CRB-21388
vs.	:	
KEVIN L. JONES,	:	<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.

This is an appeal from a misdemeanor conviction for assault following a bench trial. In his sole assignment of error, Kevin Jones challenges the weight and sufficiency of the evidence against him and argues the trial court improperly rejected his self-defense claim. We affirm the trial court's judgment.

Mr. Jones was charged with assault after an altercation with his friend, Ida Lattimore. As Ms. Lattimore drove to the store with Mr. Jones, they began arguing. The altercation occurred after they parked in Lattimore's driveway. Ms. Lattimore suffered a laceration to her elbow and received injuries to her wrist and face. Her glasses and necklace were broken. Mr. Jones was convicted of assault and sentenced accordingly.

In his sole assignment of error, Mr. Jones contends his conviction was based on insufficient evidence and against the manifest weight of the evidence. He argues that his conviction should be reversed because the evidence demonstrated he had acted in self-defense.

The statute under which Mr. Jones was convicted, R.C. 2903.13(A), requires a showing that the defendant knowingly caused or attempted to cause physical harm to another. Here, Mr. Jones admitted that he pushed Lattimore down on her back, held her down by her throat and grabbed her wrist. This evidence was sufficient to meet the elements of the offense. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus.

Mr. Jones also argues that the manifest weight of the evidence supports a claim of self-defense. While Mr. Jones testified that Lattimore was the aggressor, she testified that it was Jones who initiated the incident when he grabbed her, threw her over the retaining wall, repeatedly hit her and then choked her. The trial court is in the best position to determine the credibility of evidence, particularly with regard to witness testimony. *State v. Bryan*, 101 Ohio St.3d 272, 2004-Ohio-971, 804 N.E.2d 433, ¶ 116; *State v. Williams*, 1st Dist. Hamilton Nos. C-060631 and C-060668, 2007-Ohio-5577, ¶ 45. Based upon our review of the record—including a weighing of the evidence and all reasonable inferences, and consideration of the credibility of the witnesses—we cannot conclude that the trial court so clearly lost its way in this determination as to create a manifest miscarriage of justice. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). As a result, Mr. Jones's sole assignment of error is overruled, and 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.

**FISCHER, P.J., DEWINE and MOCK, JJ.**

**OHIO FIRST DISTRICT COURT OF APPEALS**

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To the clerk:

Enter upon the journal of the court on October 7, 2016

per order of the court \_\_\_\_\_.

Presiding Judge