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

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| STATE OF OHIO, | : | APPEAL NO. C-160486<br>TRIAL NO. B-1505862 |
| Plaintiff-Appellee, | : | |
| vs. | : | *JUDGMENT ENTRY.* |
| JOSHUA FRANKLIN, | : | |
| 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.

Joshua Franklin appeals his conviction for robbery. He raises four assignments of error. For the reasons that follow, we overrule each assignment of error and affirm the trial court's judgment.

First, Franklin claims the trial court abused its discretion in admitting three videos that were not properly authenticated. However, Franklin only sets forth an argument for the Dollar General video. Franklin contends the video was not properly authenticated because there was no testimony regarding the reliability of the equipment and the system that created the video. "Testimony of a witness with knowledge that the 'matter is what it is claimed to be' is sufficient to properly authenticate an item pursuant to Evid.R. 901(A)." *State v. Waver*, 12th Dist. Butler No. CA2015-08155, 2016-Ohio-5092, ¶ 28. Both Detective Ruwe, who obtained the video, and the store manager, who created the video, testified the video was an accurate depiction of the victim entering and exiting from the store. Therefore, the trial court did not abuse its discretion in admitting the video.

Next, Franklin claims his due-process rights were violated when he was

permitted to reject the state's plea offer, because the court did not advise him of the maximum sentence when memorializing the plea offer on the record. Franklin fails to cite to any statute, rule, or case law that requires the trial court to inform the defendant of all of the penalties for the offense when memorializing a plea offer on the record. Moreover, the record is clear that Franklin understood and rejected the plea offer.

Franklin also claims his counsel was ineffective for failing to correct the court's omission. Any discussions between Franklin and his trial counsel are not part of the record and "not appropriately considered on a direct appeal." *State v. Madrigal*, 87 Ohio St.3d 378, 391, 721 N.E.2d 52 (2000).

Franklin next argues that the trial court abused its discretion by admitting Detective Ruwe's testimony about the misuse of the credit card because it was inadmissible hearsay. Franklin alleges the bank generated alert that was sent to the victim, passed on to Detective Ruwe, given to the store clerks, and then used to find videotapes of the transactions was inadmissible hearsay. Beyond this broad assertion, however, Franklin failed to specify which statements made by Ruwe were inadmissible hearsay. Consequently, we must disregard this assignment of error pursuant to App.R. 12(A)(2). *See State v. Rucker*, 1st Dist. Hamilton No. C-110082, 2012-Ohio-185, ¶ 32.

Finally, Franklin asserts that his conviction was not supported by sufficient evidence and was against the manifest weight of the evidence. Here, there was sufficient evidence for the jury to find Franklin guilty. Franklin's Camaro was parked next to the Dollar General, and two people got out of the car. The one in dark clothing walked toward the back of the store where the robbery occurred. The victim testified that his assailant was wearing a black hoodie. Both individuals hurried back to the car and drove away.

Within a half hour, Franklin and his companion were in Deals using the victim's credit card to purchase merchandise. Franklin was wearing a black shirt in

the Deals video. The two were seen a half hour later attempting to use the card at Family Dollar. Franklin admitted that they tried to use the card at Family Dollar, and that his companion gave him the card. The next day, Franklin tried to use the card at Bob's Drive Thru, but the card was rejected. The trier of fact could have found all the elements proven beyond a reasonable doubt. *See State v. Thompkins*, 78 Ohio St.3d 380, 386, 678 N.E.2d 541 (1997). Reviewing the entire record, we cannot find the jury lost its way and committed such a miscarriage of justice that the conviction must be reversed. *Id.* at 387.

Accordingly, we overrule the assignments of error and 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.

**CUNNINGHAM, P.J., ZAYAS** and **DETERS, JJ.**

Enter upon the journal of the court on July 5, 2017

per order of the court _____.

Presiding Judge