

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

STATE OF OHIO,	:	APPEAL NO. C-160879 TRIAL NO. 16CRB-14280
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
JAHMAR BARKSDALE,	:	
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 Jahmar Barksdale rented a storage unit from a company for which Joseph Overbee was an employee. Barksdale claimed that \$28,000 in cash was stolen from the unit. He claimed that he kept the money there because he did not trust banks. Barksdale was convinced that an employee of the company had taken the money. He demanded that Overbee watch over two hours of video surveillance in order to try to find out who took his money, and Overbee complied. Overbee refunded Barksdale's rental payments, and Barksdale left. He returned sometime later and confronted Overbee again. According to Overbee, Barksdale threatened "that he's going to fuck me and my family up. That karma is a bitch." Overbee testified that Barksdale produced a handgun. Overbee locked himself in the office and Barksdale left. Barksdale testified that he had brandished money, not a gun, when he met with Barksdale. Barksdale was convicted of aggravated menacing in violation of R.C. 2903.21.

In one assignment of error, Barksdale claims that his conviction was based on insufficient evidence and was against the manifest weight of the evidence. In a challenge to the sufficiency of the evidence, the question is whether after viewing the

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evidence in the light most favorable to the prosecution, any rational trier of fact could have found all the essential elements of the crime beyond a reasonable doubt. *State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. In reviewing a challenge to the weight of the evidence, we must review the entire record, weigh the evidence, consider the credibility of the witnesses, and determine whether the trier of fact clearly lost its way and thereby created a manifest miscarriage of justice. *State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997), quoting *State v. Martin*, 20 Ohio App.3d 172, 485 N.E.2d 717 (1st Dist.1983), paragraph three of the syllabus.

R.C. 2903.21(A) provides that “[n]o person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of such other person or member of his immediate family.” In this case, the trial court heard two versions of the events and determined that Overbee’s was more credible. We find that the conviction was based on sufficient evidence and was not against the manifest weight of the evidence. We overrule Barksdale’s sole assignment 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.

MOCK, P.J., CUNNINGHAM and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on November 9, 2017
per order of the court _____.
Presiding Judge