

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

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| STATE OF OHIO, | : | APPEAL NO. C-140209 |
| Plaintiff-Appellee, | : | TRIAL NO. B-1304969B |
| vs. | : | <i>JUDGMENT ENTRY.</i> |
| CANDICE REESE, | : | |
| 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.

Following a jury trial, defendant-appellant Candice Reese was found guilty of robbery in violation of R.C. 2911.02(A)(2). The trial court sentenced Reese to three years' community control. This appeal followed.

In her first assignment of error, Reese contends that her conviction was based on insufficient evidence and was against the weight of the evidence. It was not.

At trial, victim Ariana Hargrove testified that she was physically assaulted as she was walking down the street. After the assault, Hargrove realized that her purse was missing. This incident was witnessed by off-duty firefighter Kevin Kinnear. Kinnear identified Reese as one of a group of women that had attacked Hargrove. He stated that he saw Reese get out of her car, and kick and hit Hargrove. He also witnessed Reese "grabbing some stuff." Security camera video footage from a nearby gas station corroborated parts of Hargrove's and Kinnear's testimony.

Investigating police officer Steve Bender interviewed Reese. Reese told Bender that she was with three others on the day in question, and that one of those

women, Shardae Tarpley, planned to rob Hargrove of her cellular telephone. Tarpley approached Hargrove first and assaulted her. Reese watched the assault from her car until it appeared that Hargrove was fighting back. Reese admitted that she then exited from her car to help Tarpley and that she kicked Hargrove. Reese stated that another girl at the scene, “Mook,” grabbed Hargrove’s purse. Reese drove Tarpley and Mook from the scene of the robbery. She stated Mook and another girl split the money that was in Hargrove’s purse.

At trial, Reese’s defense centered on attempting to cast doubt on the state’s argument that Reese knew that a robbery had been planned, and that she had taken part in it. Tarpley testified in Reese’s defense. According to Tarpley, there had been no talk of a robbery. Tarpley said that she had approached Hargrove in an aggressive manner, because she had had a personal vendetta with her. Tarpley testified that Reese came to her aid only after Hargrove began fighting with Tarpley.

Viewing the evidence in a light most favorable to the prosecution, we hold that the jury’s verdict is supported by sufficient evidence. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. And while Reese’s version of events at trial, if believed, may have exonerated her, upon a review of the record we cannot not say that the jury so lost its way in weighing the evidence presented as to create a manifest miscarriage of justice. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997); *State v. Martin*, 20 Ohio App.3d 172, 175, 485 N.E.2d 717 (1983). Reese’s first assignment of error is overruled.

In her second assignment of error, Reese contends that the trial court erred when it failed to incorporate into its sentencing entry written notice that Reese could perform community service in lieu of paying court costs. Reese cites R.C. 2947.23(A)(1)(a) in support of this argument. That code section, however, does not require a trial court to incorporate notice into its sentencing entry. And the record

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reflects that Reese was properly notified as required by R.C. 2947.23(A)(1)(a)(i) and (ii). Reese's second assignment of error is overruled.

We affirm the trial court's judgment.

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., DEWINE and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on September 16, 2015
per order of the court _____.

Presiding Judge