

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

STATE OF OHIO,	:	APPEAL NO. C-150284
Plaintiff-Appellee,	:	TRIAL NO. B-1404924-B
vs.	:	<i>JUDGMENT ENTRY.</i>
DESAUNE RAHE,	:	
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 bench trial, defendant-appellant Desaune Rahe appeals his conviction for aggravated burglary. *See* R.C. 2911.11(A)(1). Rahe had driven Eric Maples and the other perpetrators to the victim's apartment. Aided by Shonte Lomax, a visitor at the victim's apartment, Maples and the others, disguised by black and white bandanas, forced their way into the apartment, bound the victim, took personal property from him, including a laptop computer, pistol whipped the victim, and fled in Rahe's Ford Explorer. The victim was unable to state whether Rahe was one of the perpetrators who had entered his apartment.

Within minutes after receiving a report of the burglary, police officers stopped Rahe's vehicle near the victim's apartment. Rahe was driving. The other perpetrators were inside, along with black and white bandanas, a semiautomatic

pistol, and the victim's personal property, including mail addressed to the victim at his apartment. Rahe told the arresting officers that he did not know the three men in his vehicle, and that he had simply offered to give them a ride in exchange for cash.

At trial, Maples admitting knowing Rahe but claimed that Rahe had not known of the plan to burglarize the apartment. Shonte Lomax, Rahe's cousin, testified that Rahe had been present at the meeting to plan the burglary.

In two interrelated assignments of error, Rahe challenges the weight and sufficiency of the evidence adduced to support his conviction. Our review of the entire record fails to persuade us that the trial court, acting as the trier of fact, clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). The trial court was entitled to reject Rahe's theory that, when stopped by the police, he was simply doing a favor for Maples by driving him and his belongings away from the victim's apartment. The trial court, having received the testimony of each witness, was free to conclude that Rahe, with prior knowledge of the plan to burglarize the victim's apartment, had driven Maples and the others to and away from the scene of the crime. There was ample evidence from which the trial court could have concluded that Rahe had knowingly aided Maples and the others to trespass by force into the victim's apartment with the intent to take his property, and that while there the intruders had recklessly inflicted physical harm on the victim. *See State v. DeHass*, 10 Ohio St.2d 230, 227 N.E.2d 212 (1967), paragraph one of the syllabus.

Moreover, the record reflects substantial, credible evidence from which the court could have reasonably concluded that all elements of the charged crime of

**OHIO FIRST DISTRICT COURT OF APPEALS**

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aggravated burglary had been proved beyond a reasonable doubt. *See* R.C. 2911.11(A)(1); *see also State v. Conway*, 108 Ohio St.3d 214, 2006-Ohio-791, 842 N.E.2d 996, ¶ 36. The first and second assignments of error are overruled.

Therefore, the judgment of the trial court is affirmed.

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

**HENDON, P.J., CUNNINGHAM and DEWINE, JJ.**

To the clerk:

Enter upon the journal of the court on May 27, 2016

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