

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

STATE OF OHIO,	:	APPEAL NO. C-160600
Plaintiff-Appellee,	:	TRIAL NO. B-1406170A
vs.	:	
DEENA MINCEY,	:	<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.

Following a jury trial, Deena Mincey was convicted of felonious assault and sentenced to eight years in prison. During a street fight, Mincey threw sulfuric acid on Shailah Robinson’s face and body, causing severe physical harm.

In a single assignment of error, Mincey challenges the weight of the evidence underlying her conviction.

When considering a challenge to the weight of the evidence, an appellate court “reviews the entire record, weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the jury clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered. The discretionary power to grant a new trial should be exercised only in the exceptional

case in which the evidence weighs heavily against the conviction.” *State v. Dean*, 146 Ohio St.3d 106, 2015-Ohio-4347, 54 N.E.3d 80, ¶ 151, quoting *State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997), and *State v. Martin*, 20 Ohio App.3d 172, 175, 485 N.E.2d 717 (1st Dist.1983).

Although there was conflicting evidence regarding who brought the mason jar full of brown liquid—later determined to be sulfuric acid—to the fight, the victim and another witness identified Mincey as the person who threw the acid. But Mincey maintains that she could not have been the one to throw the acid because she had burns from the acid on the back of her left shoulder. Thus, she argues that someone behind her must have thrown the acid. However, the state’s witness testified that Mincey first used an underhanded throw to splash the acid on the victim’s face, and then when the victim began to run away, Mincey, using an overhand throw, tossed the remaining acid and the jar at the victim. Further, evidence was presented that there was a burn on Mincey’s hand, resembling the burns on her back.

Given the foregoing, the jury could have reasonably believed that Mincey had thrown the acid, and that the overhand toss could have caused some of the acid to splash on the back of her shoulder.

Our review of the record convinces us that that this is not a case where the evidence weighs heavily against the conviction. Accordingly, we cannot say that the jury lost its way and created a manifest miscarriage of justice by finding the defendant guilty.

The single assignment of error is overruled, and the judgment of the trial court is affirmed.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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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 shall be taxed under App.R. 24.

**MOCK, P.J., MYERS and MILLER, JJ.**

To the clerk:

Enter upon the journal of the court on August 25, 2017  
per order of the court \_\_\_\_\_.  
Presiding Judge