

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

STATE OF OHIO,	:	APPEAL NO. C-190188
Plaintiff-Appellee,	:	TRIAL NO. 18CRB-22602
vs.	:	<i>JUDGMENT ENTRY.</i>
MIESHA HILL,	:	
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.

On January 15, 2019, defendant-appellant Miesha Hill went to her brother's apartment to discuss with her mother an issue involving an automobile. The conversation quickly escalated into an argument, which became increasingly hostile. Hill's brother repeatedly told Hill to leave, but she refused. As Hill began to make her way further into the residence, her brother stood in front of her and began moving her back toward the front door without touching her. Hill was backed up to the door, but still refused to leave. At this point, Hill grabbed her brother around the neck and began trying to choke him. Because her brother was much larger, Hill's attack had little effect other than leaving scratch marks around his neck. At some point during the confrontation, Hill was holding the car key in her hand like a weapon, and at least one witness said that she punched her brother with that hand. During the encounter, Hill was knocked down and hit her head on a table. Hill eventually left the apartment, but was later charged with domestic violence, a misdemeanor of the first degree, in violation of R.C. 2919.25(A).

Hill's mother, her brother, and her brother's wife all testified to essentially this version of events, though some of the details varied. Hill testified that her brother had been the aggressor.

At the conclusion of a bench trial, the trial court concluded that Hill had been the aggressor. He found the testimony of the other witnesses more credible and concluded that Hill's testimony was inconsistent. On the issue of self-defense, the trial court found that Hill had failed to prove the defense for two reasons. First, the trial court was so confused by Hill's version of events that he was not even sure that Hill was claiming to have used any force at all against her brother. Second, the trial court concluded that Hill's use of force was not justified because she was at fault for causing the situation from which she was claiming to have defended herself. In one assignment of error, Hill claims that her conviction was contrary to the manifest weight of the evidence.

When considering a challenge to the weight of the evidence, an appellate court must review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether, in resolving conflicts in the evidence, the trier of fact clearly lost its way and created a manifest miscarriage of justice. *State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). Reversing a conviction as being against the manifest weight of the evidence should be reserved for only the most “ ‘exceptional case in which the evidence weighs heavily against the conviction.’ ” *Id.*, quoting *State v. Martin*, 20 Ohio App.3d 172, 485 N.E.2d 717 (1st Dist.1983), paragraph three of the syllabus.

Witness credibility is an issue for the trier of fact to resolve. *See State v. Issa*, 93 Ohio St.3d 49, 67, 752 N.E.2d 904 (2001). “Because the trier of fact sees and hears the witnesses and is particularly competent to decide ‘whether, and to what extent, to credit the testimony of particular witnesses,’ we must afford substantial deference to its determinations of credibility.” *State v. Glover*, 1st Dist. Hamilton No. C-180572, 2019-Ohio-5211, ¶ 30, citing *Barberton v. Jenney*, 126 Ohio St.3d 5, 2010-Ohio-2420, 929 N.E.2d 1047, ¶ 20.

R.C. 2919.25(A) provides that “No person shall knowingly cause or attempt to cause physical harm to a family or household member.” In this case, the trial court

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was presented with multiple, credible accounts that claimed that Hill was the aggressor and that she had attacked her brother by grabbing his throat and scratching him. Even though there were some inconsistencies in the various accounts, the accounts were in accord in that regard. These inconsistencies alone are insufficient for this court to say that the trial court lost its way and created a manifest miscarriage of justice. We overrule Hill'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., MYERS and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on April 22, 2020

per order of the court _____.

Presiding Judge