

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

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| STATE OF OHIO, | : | APPEAL NOS. C-190191 |
| | | C-190192 |
| Plaintiff-Appellee, | : | TRIAL NOS. 18CRB-26415 |
| | | 18CRB-26416 |
| vs. | : | |
| | | <i>JUDGMENT ENTRY.</i> |
| CASIE TAVERNIA, | : | |
| 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.

After a bench trial, defendant-appellant Casie Tavernia was convicted on two counts of child endangering, in violation of R.C. 2919.22(A). In her sole assignment of error, she challenges the sufficiency and weight of the evidence supporting her convictions.

The evidence shows that Tavernia was a passenger in a vehicle along with her children when the driver, her boyfriend, became unconscious due to a heroin overdose. At the time, the vehicle was stopped at a traffic light at a busy intersection. A responding paramedic trained in detecting opioid use noticed that Tavernia showed signs consistent with someone under the influence of heroin because she was “nodding off.” Tavernia admitted to the investigating officer on the scene that both she and her

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boyfriend had snorted heroin. She qualified her statement by indicating that he had used it in the bathroom and she did not know how much he had used.

These facts, when viewed in the light most favorable to the state, showed that Tavernia had recklessly created a substantial risk to the health and safety of her children by violating a duty of care and protection when she allowed them to be driven by her boyfriend under these circumstances. *See* R.C. 2919.22(A); *State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. Tavernia argues the trial court should have inferred from the evidence that she was not under the influence of heroin and was not reckless in allowing her children to be driven by her boyfriend under the circumstances. However, there is no basis to conclude that the trial court lost its way or created a manifest miscarriage of justice in resolving the factual issues against Tavernia. *See State v. Thompkins*, 78 Ohio St.3d 380, 678 N.E.2d 541 (1997).

Accordingly, we overrule the assignment of error and affirm the trial court's judgment.

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

MOCK, P.J., BERGERON and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on March 6, 2020,
per order of the court _____.
Presiding Judge