

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

STATE OF OHIO,	:	APPEAL NO. C-210628
		TRIAL NO. 21CRB-1909
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
CLIFTON HARRIS,	:	
Defendant-Appellant.	:	

Defendant-appellant Clifton Harris appeals his conviction for domestic violence in violation of R.C. 2919.25(A). In his sole assignment of error, he argues his conviction was against the manifest weight of the evidence.

Harris was charged with domestic violence after his wife, Naomi Craig, reported to Cincinnati Police Officer Nicolino Stavale on the evening of February 1, 2021, that Harris had harmed her earlier in the evening at the family's home after an argument. At trial, Craig testified to the events, including that, in the presence of the children, Harris had hit her, pushed her down, choked her, and pulled out some of her hair. Photographs of some of her injuries were admitted into evidence. One photo showed marks on her neck.

The couple's 13-year-old daughter corroborated Craig's testimony. The daughter's testimony concerning the choking was particularly compelling. She indicated she had to attack her father by scratching his face to assist her mother.

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Officer Stavale also testified. He indicated that Craig was visibly upset when she appeared at the police station and complained of pain in her back and neck. He observed that her left temple was swollen and bruised and some of her hair had been pulled out.

Harris testified in his defense and submitted photographs of his own alleged injuries. He disputed Craig's version of the facts with respect to the physical altercation, claiming that he was trying to leave the house and only "restrained" Craig. He did admit, however, that his daughter had scratched his face to assist Craig. Moreover, Harris did not report the incident to the police and disappeared for several months after it occurred.

In support of his assignment of error, Harris suggests that Craig's and his daughter's testimony was not credible. The weight to be given the evidence and the credibility of the witnesses are primarily for the trier of fact. *State v. DeHass*, 10 Ohio St.2d 230, 227 N.E.2d 212 (1967), paragraph one of the syllabus. After reviewing the record, we hold 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 Harris. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997).

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

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.

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

To the clerk:

Enter upon the journal of the court on _____, per order of the court **July 15, 2022**.

Administrative Judge