# CAPTION: STATE V. HIGGINS

**08-10-22**

APPEAL NO.: C-220043

TRIAL NO.: B-2100488

KEY WORDS: R.C. 2923.161 - EVIDENCE

SUMMARY:

 Defendant’s conviction for improperly discharging a firearm into a habitation was supported by sufficient evidence and was not against the manifest weight of the evidence when the state presented credible eyewitness testimony from the resident that she recognized the car from which the shot had been fired as defendant’s, she recognized the outline of defendant’s head and hair as defendant drove the car past the home, she called 9-1-1 and identified defendant as the shooter within minutes of the shooting, and a mutual friend who had generated animosity between the two could be heard in the background of the 9-1-1 tape, and where the physical evidence supported the resident’s testimony.

JUDGMENT: AFFIRMED

JUDGES: OPINION by BERGERON, J.; MYERS, P.J., and BOCK, J., CONCUR.