# CAPTION: State v. Cole

**03-10-23**

APPEAL NO.: C-220184

TRIAL NO.: C-22CRB-1648

KEY WORDS: Attempted Assault – Evidence – Manifest Weight – Sufficiency ­– Plain Error

SUMMARY:

Defendant’s attempted-assault conviction was based on sufficient evidence and was not against the manifest weight of the evidence where the trial court based its finding of guilt on uncontroverted testimony of the victim.

It was not plain error for the trial court to consider excluded hearsay statements during sentencing where defendant rebutted the accuracy of the statements during allocution and there was no showing of prejudice because defendant received the requested sentence.

JUDGMENT: AFFIRMED

JUDGES: Opinion by Crouse, P.J.; Zayas and Bergeron, JJ., concur.