# CAPTION: STATE V. TERRY

**09-06-23**

APPEAL NO: C-230049

TRIAL NO.: 22CRB-20250

KEY WORDS: DOMESTIC VIOLENCE – EVIDENCE – RELEVANCE – PHYSICAL HARM – SUFFICIENCY – MANIFEST WEIGHT

SUMMARY:

The trial court did not err in admitting a cell-phone video depicting defendant immediately after the dispute where the video was probative of defendant’s state of mind and reinforced the credibility of the state’s sole witness and where the video’s probative value was not substantially outweighed by the danger of unfair prejudice.

Defendant’s conviction for domestic violence was supported by sufficient evidence and not against the manifest weight of the evidence where the victim credibly testified that defendant grabbed her by the throat and pushed her and the force of that push choked her, meeting the broad statutory definition of “physical harm” necessary to sustain a conviction for domestic violence.

JUDGMENT: AFFIRMED

JUDGES: OPINION by WINKLER, J.; CROUSE, P.J., and KINSLEY, J., CONCUR.