

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

STATE OF OHIO,	:	APPEAL NO. C-250339
	:	TRIAL NO. C/25/CRB/7696
Plaintiff-Appellee,	:	
vs.	:	
	:	<i>JUDGMENT ENTRY</i>
AKEEM WALKER,	:	
Defendant-Appellant.	:	

CROUSE, Judge.

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Defendant-appellant Akeem Walker appeals his conviction for the assault of M.H., a first-degree misdemeanor in violation of R.C. 2903.13(A).

At a bench trial, M.H. testified that Walker assaulted her in a motel room at the Travel Inn in Sharonville, Ohio, following an argument over laundry. According to M.H., after she told Walker that she needed quarters to dry their laundry, he shoved her from behind, causing her to “smack[] the counter and [her] head off the wall.” M.H. testified that she suffered from a seizure disorder, and that she experienced a seizure after “smacking [her] head.” She explained that the seizures do not cause her to fall, but rather to “zone” and “lose time.” Following this seizure in the motel room, M.H. experienced auras and was unable to speak. As she came out of the seizure, Walker was pouring water on her face. M.H. testified that Walker, frustrated with her

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inability to speak, called her “stupid” and a “fat bitch.” He struck M.H. multiple times on her face and continued to scream at her. M.H. testified that the resident of another motel room banged on their door during the assault, but that Walker backed her up against the wall and would not allow her to leave the room.

M.H. testified that she suffered pain and swelling from Walker’s strikes to her face, that she was unable to eat solid food for several days after the incident, and that, at the time of testifying, her eyes were still bloodshot. M.H. also suffered an injury to the back of her left arm when Walker shoved her to the ground.

The State also presented testimony from the resident who had knocked on the door to M.H.’s room. The resident testified that she heard “screaming” and “commotion” inside the room. She thought that these noises sounded like a woman was being hit, and she banged on the door. When Walker opened the door, the resident saw a hysterical M.H. pinned behind it. The resident testified that Walker would not allow M.H. to leave and that Walker threatened to harm the resident if she did not mind her own business. The resident testified that M.H. had a fresh black eye. And although she initially testified that M.H. had a “black and blue face,” she conceded on cross-examination that she may have exaggerated when describing M.H.’s injuries.

Sharonville Police Officer Mrozek testified that he responded to the assault at the Travel Inn, where he encountered a disheveled and crying M.H. Officer Mrozek explained that as M.H. identified her injuries, she pointed to a bruise on her leg that he did not believe resulted from the incident with Walker. Unlike the bruises on M.H.’s elbow and face, he explained, the bruise on her leg was not fresh.

Walker testified and denied assaulting M.H. He stated that M.H. struck her head on the corner of the sink and on the wall as she fell to the ground during a seizure. Walker testified that he rolled M.H. on her side during the seizure and poured water

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on her face. Walker also denied threatening the resident when she knocked on their door. He explained that the resident tried to put her hands on him and accused him of being “another black tall man that beat on women or whatever in the same room.”

The trial court found Walker guilty of assault. When announcing the verdict, the court stated that both the resident and M.H. were very credible witnesses. The court noted that it found significant the resident’s testimony that she had heard screaming and what sounded like a woman being hit, and that Walker would not allow M.H. to exit the room.

In a single assignment of error, Walker now argues that his conviction was against the manifest weight of the evidence.

When this court reviews a challenge to the manifest weight of the evidence, it must “review the entire record, weigh the evidence, consider the credibility of the witnesses, and determine whether the trier of fact clearly lost its way and created a manifest miscarriage of justice” in convicting the defendant. *State v. Powell*, 2020-Ohio-4283, ¶ 16 (1st Dist.), citing *State v. Thompkins*, 1997-Ohio-52, ¶ 25. Although our review allows us to assess the witnesses’ credibility, we do not have the same ability as the trial court to “observe the witnesses firsthand.” *State v. Garrett*, 2026-Ohio-49, ¶ 69 (1st Dist.). Accordingly, “we generally defer to the factfinder’s credibility determinations, except in those ‘most exceptional circumstances’ when the factfinder ‘disregarded or overlooked compelling evidence’ that contradicted its findings.” *Id.*, quoting *State v. Gibson*, 2023-Ohio-1154, ¶ 39 (1st Dist.).

Walker was convicted of assault in violation of R.C. 2903.13(A), which provides in relevant part, “No person shall knowingly cause or attempt to cause physical harm to another.” In support of his manifest-weight argument, Walker contends that the weight of the evidence established that M.H.’s injuries were caused by a seizure, rather

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than an assault, and that his version of events was more credible than that offered by M.H. We are not persuaded.

M.H. was consistent throughout her testimony that she suffered the seizure *after* being shoved by Walker and striking her head. Walker, in turn, testified that M.H. suffered a seizure and struck her head while falling during the seizure. The trial court was provided with two different versions of the same event, and it was entitled to find the testimony offered by M.H. more credible than that offered by Walker.

M.H.'s testimony was corroborated in part by the testimony from the resident that (1) she heard screaming in M.H.'s room, (2) it sounded like a woman was being hit, and (3) Walker would not allow M.H. to leave the room. Had M.H.'s injuries been caused by a seizure, it would not make sense for Walker to pin M.H. behind the door and prevent her from exiting the room. Further, Walker's testimony that M.H. fell during the seizure did not align with M.H.'s explanation of her seizures. M.H.'s testimony established that she did not typically fall during a seizure but rather "zoned out" and lost time.

On this record, we cannot find that the trial court "disregarded or overlooked compelling evidence that contradicted its" credibility determinations. (Cleaned up.) *See Garrett*, 2026-Ohio-49, at ¶ 69 (1st Dist.). We hold that Walker's conviction for assault was not against the manifest weight of the evidence, and we overrule Walker's assignment of error. The judgment of the trial court is affirmed.

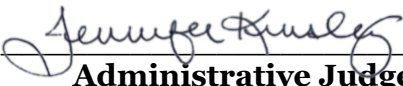
The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

KINSLEY, P.J., and **BOCK, J.**, concur.

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To the clerk:

Enter upon the journal of the court on 2/4/2026 per order of the court.

By:  _____
Administrative Judge