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

STATE OF OHIO,	:	APPEAL NO. C-250622 TRIAL NO. C/25/CRB/11683/A
Plaintiff-Appellee,	:	
vs.	:	
PRINCESS SMITH,	:	*JUDGMENT ENTRY*
Defendant-Appellant.	:	

This cause was heard upon the appeal, the record, the briefs, and arguments.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 9/25/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer A. Hensley
Administrative Judge

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Plaintiff-Appellee,	:	
vs.	:	
PRINCESS SMITH,	:	*O P I N I O N*
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Municipal Court

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: September 25, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Paula E. Adams,* Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Milton and Charlotte Kramer Law Clinic, *Andrew S. Pollis*, and *Patricia Taylor*, Legal Intern, for Defendant-Appellant.

KINSLEY, Presiding Judge.

{¶1} Defendant-appellant Princess Smith appeals her conviction for assault, a first-degree misdemeanor, following a bench trial in the Hamilton County Municipal Court. In two assignments of error, Smith argues that she was denied the effective assistance of counsel and that her conviction was against the manifest weight of the evidence. For reasons discussed below, we affirm the judgment of the trial court.

Background

{¶2} Smith was charged with assault in violation of R.C. 2903.13(A) after an altercation with her children's aunt, N.T., which occurred on July 9, 2025. Prior to trial, Smith's attorney filed two notices indicating that she intended to assert self-defense at trial.

{¶3} The trial court conducted a bench trial on October 7, 2025. Three witnesses testified: N.T., Officer Tyler Wilkerson, and Smith.

{¶4} N.T. testified that Smith is the mother of her brother's four children. At the time of the incident, N.T. had custody of Smith's children. On July 9, 2025, N.T., along with her children and Smith's children, arrived home to find Smith unexpectedly parked outside of her house. N.T. testified that when they arrived, the children heard Smith calling 9-1-1. She and the children waited in the house for the police to arrive. After about 20 minutes, N.T. heard a "forceful knock" at the door. Expecting to see police, N.T. opened the door but instead saw Smith.

{¶5} N.T. testified that she attempted to shut the door, but Smith "rammed into [the] door and started swinging" with all of the children around N.T. at the door. After Smith started swinging, she and the children pushed Smith out, and N.T. fell down. N.T. testified that Smith jumped on top of her and bit her while they were "tussling on the ground," which left a mark on her inner right arm that swelled and

hurt. N.T. acknowledged that she fought back by trying to get Smith off of her and her 16-year-old daughter, S.T. Eventually, the police arrived and broke up the fight.

{¶6} Officer Tyler Wilkerson testified that he was dispatched to N.T.'s home on July 9, 2025. When he arrived, Wilkerson noticed six to eight people physically fighting in the front yard. Wilkerson spoke to Smith, who said that she was attacked by N.T. He then interviewed N.T., who contended that Smith attacked her. Wilkerson saw a visible bite mark on N.T.'s right arm, which she said came from Smith. Wilkerson arrested Smith based on N.T.'s statements and injuries.

{¶7} Smith testified that she went to N.T.'s house, unannounced, to retrieve a cellphone. When she got there, she called the police for an escort. She waited for about 45 minutes to an hour, but when the officer did not arrive, she went to N.T.'s door alone. Smith said that N.T. answered the door, and they exchanged words. According to Smith, N.T. then threatened to "beat [her] ass" if she did not "get the fuck away from [the] door." When Smith did not leave, S.T. reached over N.T. to swing at her, Smith "grabbed [N.T.] by her hair and pulled her," and everyone "came falling out of the door." Smith asserted that N.T.'s daughter hit her and that she hit N.T. She acknowledged that she initiated contact with N.T., bit her, and most likely punched her. Smith testified that at some point, she stopped fighting, got off the ground, and walked to the door of the house.

{¶8} Following the testimony, the parties gave closing arguments. In his closing, defense counsel suggested that N.T. was not a credible witness and highlighted that she had not testified that Smith pulled her hair. Rather, it was Smith who testified that she grabbed N.T.'s hair after S.T. swung in Smith's direction. Based on this testimony, defense counsel did not argue that Smith acted in self-defense. Instead, the defense attorney asked the trial court to find Smith guilty of the lesser offense of

disorderly conduct.

{¶9} The trial court rejected this request and found Smith guilty of assault. In doing so, it indicated that both Smith and N.T. testified credibly about the details of the incident. It further found that Smith grabbed N.T.'s hair and pulled her out of the home, noting that Smith had not asserted that she acted in self-defense. For the assault offense, the trial court sentenced Smith to one day in jail, with credit for time served, and waived court costs. Smith appealed.

Analysis

{¶10} In two assignments of error, Smith argues that trial counsel performed ineffectively and that her conviction was against the manifest weight of the evidence. We disagree.

A. Ineffective Assistance

{¶11} First, Smith contends that her trial attorney represented her ineffectively by failing to raise the affirmative defense of self-defense. She asserts that the failure to raise this defense affected the trial court's verdict.

{¶12} The defendant bears the burden to show ineffective assistance of counsel. *State v. Hackney*, 2016-Ohio-4609, ¶ 36 (1st Dist.). To succeed on an ineffective assistance of counsel claim, an appellant must show that (1) trial counsel's performance was deficient, and (2) the deficient performance deprived the appellant of a fair trial. *State v. Akins*, 2024-Ohio-1491, ¶ 45 (1st Dist.), citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984). To make such a showing, the appellant must prove that, but for counsel's errors, the result of the trial would have been different. *State v. Bradley*, 42 Ohio St.3d 136, 143 (1989). Further, "[t]he defendant must overcome the presumption that, under the circumstances, the challenged action might be considered sound trial strategy." *State v. Grubbs*, 2025-Ohio-2756, ¶ 67 (1st Dist.),

citing *Strickland* at 689.

{¶13} To succeed on that defense at trial, Smith was required to demonstrate (1) that she was not at fault in creating the altercation, (2) that she had reasonable grounds to believe that she was in imminent danger of bodily harm, and (3) that the only way to protect herself from the danger was by using force and that she did not use more force than was reasonably necessary to defend herself against the imminent danger of bodily harm. *State v. Ridley*, 2022-Ohio-2561, ¶ 15 (1st Dist.). These elements are cumulative, and "a defendant's claim of self-defense fails if any one of the elements is not present." *Id.*

{¶14} The evidence presented at trial did not support the third element of Smith's self-defense claim. By her own admission, Smith grabbed N.T.'s hair, pulled her out of the house, bit her, and most likely punched her. She claimed to have taken these actions in response to being attacked by S.T., N.T.'s 16-year-old daughter. On these facts, it was not reasonably necessary for Smith to use force against N.T. when the danger of bodily harm, if it existed at all, came only from S.T. Stated another way, Smith had options for defending herself against S.T. other than attacking N.T.

{¶15} Given that the evidence did not support Smith's self-defense claim, her trial attorney did not perform deficiently by not raising it at trial. This conclusion is buttressed by the fact that defense counsel did pursue a viable defense for Smith by arguing for the lesser offense of disorderly conduct. In this vein, Smith's attorney argued in closing that N.T.'s testimony should be discounted because she lacked credibility and that the evidence established that Smith engaged in a fight rather than initiated one. *See, e.g., State v. Dykes*, 2006-Ohio-4165, ¶ 20 (11th Dist.) (holding that evidence that the defendant punched the victim multiple times was more than sufficient to sustain a conviction for disorderly conduct for fighting). This was a

strategic judgment, one that we do not second-guess on appeal. *See State v. Sharkey*, 2025-Ohio-5117, ¶ 14-15 (1st Dist.).

{¶16} Counsel's failure to raise the affirmative defense therefore did not amount to ineffective assistance of counsel, and we accordingly overrule Smith's first assignment of error.

B. Manifest Weight

{¶17} In her second assignment of error, Smith argues that her conviction was against the manifest weight of evidence. To assess whether a conviction is supported by the manifest weight of the evidence, we must independently "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." *State v. Powell*, 2020-Ohio-4283, ¶ 16 (1st Dist.), citing *State v. Thompkins*, 78 Ohio St.3d 380, 388 (1997). We afford substantial deference to the credibility determinations of the trier of fact because the trier directly observes the witnesses during trial proceedings. *State v. Reillo*, Slip Opinion No. 2026-Ohio-2701, ¶ 28, quoting *In re Z.C.*, 2023-Ohio-4703, ¶ 14. Accordingly, reversal on manifest weight grounds is warranted "only in the exceptional case in which the evidence weighs heavily against the conviction." *Id.* at ¶ 27, quoting *Thompkins* at ¶ 31.

{¶18} Smith was convicted of assault under R.C. 2903.13(A), which prohibits a person from knowingly causing or attempting to cause physical harm to another. Physical harm is statutorily defined as "any injury, illness, or other physiological impairment, regardless of its gravity or duration." R.C. 2901.01(A)(3). Physical pain is enough to constitute physical harm under the statute. *State v. Terry*, 2023-Ohio-3131, ¶ 14 (1st Dist.).

{¶19} On appeal, Smith argues that the trial court deprived her of a "formal

credibility determination" which rendered her conviction against the manifest weight of the evidence. She asserts that the trial court failed to make necessary credibility determinations because it declared that it believed both Smith and N.T. This argument lacks merit. Under Crim.R. 23(C), the trial court is only required to find an accused guilty or not guilty in a bench trial. "[A]nything stated beyond the required 'general finding' of guilt or innocence in a criminal bench trial is mere surplusage without legal significance." *State v. Warner*, 2021-Ohio-4183, ¶ 47 (3d Dist.). Moreover, "[t]he trier of fact is free to believe some, all, or none of any witnesses' testimony." *Ridley*, 2022-Ohio-2561, at ¶ 25 (1st Dist.).

{¶20} Next, Smith contends that N.T. was not a credible witness because there were inconsistencies in her testimony. For example, she asserts that N.T. provided differing answers to questions about where she was standing when Wilkerson arrived on the scene. Credibility, however, is a matter for the trial court, as it observes the witnesses directly. *See Reillo*, Slip Opinion No. 2026-Ohio-2701, at ¶ 28. The trial court found N.T. to be a believable witness despite these minor discrepancies, and we defer to that determination on appeal. *Id.*

{¶21} Finally, Smith complains that the trial court relied on her testimony in finding her guilty, as she was the sole witness who testified that she pulled N.T.'s hair. It is true that N.T. did not describe feeling her hair being grabbed or testify that she experienced pain from that aspect of the encounter. But neither did she dispute that this occurred. She merely was silent about any aspect of the incident that involved her hair, giving us nothing to weigh against Smith's admission. And the trial court relied on more than the hair-pulling in convicting Smith. The trial court found that Smith initiated the encounter when she grabbed N.T., and both N.T. and Smith confirmed that this occurred. The trial court also referenced the bite mark Smith left on N.T.'s

arm, which N.T. and Smith both described. Notably, Smith admitted that she in fact bit N.T.

{¶22} Because Smith admitted to the conduct, and because N.T. did not dispute it, we cannot say that Smith's conviction was against the manifest weight of the evidence. This is not one of the "exceptional case[s] in which the evidence weighs heavily against the conviction." *See State v. Anderson*, 2024-Ohio-3118, ¶ 20 (1st Dist.). We overrule Smith's second assignment of error.

Conclusion

{¶23} Smith's counsel was not ineffective in failing to raise self-defense at trial, and her conviction was not against the manifest weight of the evidence. We accordingly overrule Smith's assignments of error and affirm the trial court's judgment.

Judgment affirmed.

ZAYAS and **CROUSE, JJ.,** concur.