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

STATE OF OHIO,	:	APPEAL NO. C-260154 TRIAL NO. C/26/CRB/1531
Plaintiff-Appellee,	:	
vs.	:	
CRESHAUNDA JACKSON,	:	*JUDGMENT ENTRY*
Defendant-Appellant.	:	

KINSLEY, Presiding 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 Creshaunda Jackson appeals her conviction for domestic violence, a misdemeanor. In one assignment of error, Jackson argues that her conviction was against the manifest weight of the evidence. We disagree.

To assess whether a conviction is supported by the manifest weight of the evidence, we 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.

On appeal, Jackson acknowledges that she hit her live-in boyfriend, B.S., with a Stanley cup, but she argues that she did so in self-defense. To succeed on a self-defense claim, Jackson 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.*

A defendant may not assert self-defense when she was "at fault in causing the circumstances that led to the altercation." *State v. Nichols*, 2025-Ohio-1515, ¶ 25 (1st Dist.). "[T]he 'not-at-fault' requirement generally means that the defendant must not have been the initial aggressor in the incident." *State v. Hendrickson*, 2009-Ohio-4416, ¶ 27 (4th Dist.). In finding Jackson guilty of domestic violence, the trial court determined that Jackson was at fault in creating the altercation. It found that B.S. attempted to diffuse the argument by recording Jackson with his phone, that she "flipped out" and jumped on his back, and that B.S. then flipped her off of his back, at which time Jackson hit B.S. in the head with a Stanley cup.

These findings are supported by the manifest weight of the evidence. In particular, B.S. testified that when he went to the bedroom to get his phone, Jackson jumped on his back and strangled him to release his cellphone. He said, "[T]hat's how it started." He explained that after he got Jackson off of his back, she "came in for a

second time more aggressively, her arm around my neck," and that once he got her off a second time, she swung at him with an open fist and then hit him in the head with the cup.

On appeal, Jackson argues that her testimony was credible while B.S.'s was not. However, "[i]f the evidence is susceptible of more than one construction, the reviewing court is bound to give it that interpretation which is consistent with the verdict and judgment." *Reillo,* Slip Opinion No. 2026-Ohio-2701, at ¶ 28, quoting *In re Z.C.*, 2023-Ohio-4703, at ¶ 14. Therefore, we defer to the trial court's finding that Jackson was at fault in creating the altercation. *See id.* The trial court accordingly did not lose its way in rejecting Jackson's claim of self-defense, and the conviction was not against the manifest weight of the evidence.

Jackson next contends that if this court rejects her self-defense argument, we should modify her conviction from domestic violence to the lesser included offense of disorderly conduct. "When the evidence shows that a defendant is not guilty of the crime for which he was convicted, but is guilty of a lesser-included offense, this court may modify the conviction." *State v. Davis*, 2006-Ohio-4599, ¶ 13 (1st Dist.).

Jackson was convicted of domestic violence in violation of R.C. 2919.25(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.). The evidence presented at trial established that Jackson knowingly caused physical harm to B.S. B.S. testified that Jackson choked him and hit him with a Stanley cup and that both of those actions caused him pain. In her own testimony, Jackson admitted that she undertook these actions. As a result of

the incident, B.S. had redness on his chest and head. Viewed in the light most favorable to the prosecution, this evidence was sufficient to prove domestic violence. *See State v. Powell*, 2020-Ohio-4283, ¶ 16 (1st Dist.). Because the evidence shows that Jackson was guilty of domestic violence, the crime for which she was convicted, Jackson's argument that she should have been convicted of a lesser included offense is without merit.

We accordingly overrule Jackson's assignment of error and affirm the trial court's judgment.

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.

CROUSE and **MOORE, JJ.,** concur.

To the clerk:

Enter upon the journal of the court on 10/21/2026.

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