

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 09AP-532
	:	(C.P.C. No. 09CR-02-1007)
Rodney G. Lee,	:	
	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on November 17, 2009

Ron O'Brien, Prosecuting Attorney, and *Barbara A. Farnbacher*, for appellee.

Mark M. Hunt, for appellant.

APPEAL from the Franklin County Court of Common Pleas

TYACK, J.

{¶1} Rodney G. Lee is appealing from his conviction of a single charge of robbery as a felony of the second degree. He assigns a single error for our consideration:

THE VERDICT IS AGAINST THE SUFFICIENCY AND
MANIFEST WEIGHT OF THE EVIDENCE.

{¶2} On February 13, 2009, Rodney G. Lee had a physical confrontation with Raymond William Bostic. Bostic called the police immediately after the confrontation,

which led to Lee being arrested. Lee told police that he threw Bostic to the ground, but denied attempting to take anything from Bostic. Bostic claimed Lee kept saying "Give me your money" and reached into his (Bostic's) pockets.

{¶3} R.C. 2911.02(A) defines robbery as follows:

(A) No person, in attempting or committing a theft offense or in fleeing immediately after the attempt or offense, shall do any of the following:

(1) Have a deadly weapon on or about the offender's person or under the offender's control;

(2) Inflict, attempt to inflict, or threaten to inflict physical harm on another;

(3) Use or threaten the immediate use of force against another.

{¶4} Our standard for assessing the weight and sufficiency of the evidence have been set forth many times in the prior opinions of this court. Sufficiency of the evidence is the legal standard applied to determine whether the case should have gone to the jury. *State v. Thompkins* (1997), 78 Ohio St.3d 380, 386. In other words, sufficiency tests the adequacy of the evidence and asks whether the evidence introduced at trial is legally sufficient as a matter of law to support a verdict. *Id.* "The relevant inquiry is whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt." *State v. Jenks* (1991), 61 Ohio St.3d 259, paragraph two of the syllabus, following *Jackson v. Virginia* (1979), 443 U.S. 307, 99 S.Ct. 2781. The verdict will not be disturbed unless the appellate court finds that reasonable minds could not reach the conclusion reached by the trier of fact. *Jenks* at 273. If the court determines that the

evidence is insufficient as a matter of law, a judgment of acquittal must be entered for the defendant. See *Thompkins* at 387.

{¶5} Applying these standards to the evidence presented to the jury in Lee's trial, we must overrule the sole assignment of error.

{¶6} There is no question that Lee physically assaulted Bostic and inflicted minor injuries upon him. Lee may have felt justified in attacking Bostic, since Lee apparently believed Bostic had sold him a bag of parsley which had been represented as being marijuana. Lee's belief that Bostic had ripped him off did not make Lee legally justified in attacking Bostic to obtain money.

{¶7} The sole assignment of error is overruled. The judgment of the Franklin County Court of Common Pleas is affirmed.

Judgment affirmed.

SADLER and KLINE, JJ., concur.

KLINE, J., of the Fourth Appellate District, sitting by
assignment in the Tenth Appellate District.
