

context of the entire instruction. See *Cupp v. Naughten* (1973), 414 U.S. 141, 146-147. Based on the foregoing, we find that the trial court's instruction as to circumstantial evidence, in particular the example used, was not prejudicial to appellant. Accordingly, appellant's sole assignment of error is not well-taken.

{¶4} On consideration whereof, this court finds that appellant was not prejudiced or prevented from having a fair trial and the judgment of the Sandusky County Court of Common Pleas is affirmed. Costs of this appeal are assessed to appellant.

JUDGMENT AFFIRMED.

Melvin L. Resnick, J.

JUDGE

Richard W. Knepper, J.

JUDGE

Mark L. Pietrykowski, P.J.
CONCUR.

JUDGE