

[Cite as *State v. Medler*, 2011-Ohio-1567.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 95155

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

BRADLEY MEDLER

DEFENDANT-APPELLANT

JUDGMENT:
AFFIRMED

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CR-529970

BEFORE: Cooney, J., Stewart, P.J., and E. Gallagher, J.

RELEASED AND JOURNALIZED: March 31, 2011

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COLLEEN CONWAY COONEY, J.:

{¶ 1} Defendant-appellant, Bradley Medler (“Medler”), appeals his domestic violence conviction. Finding no merit to the appeal, we affirm.

{¶ 2} In October 2009, Medler was indicted on two counts. Count 1 charged him with domestic violence, with a prior conviction, and Count 2 charged him with disrupting public services. Medler waived his right to a jury trial and stipulated to his prior domestic

violence conviction. After a trial to the bench, the court found him guilty of Count 1 and not guilty of Count 2, and sentenced him to two years of community control sanctions.

{¶ 3} Medler now appeals, raising one assignment of error, in which he argues that his conviction is against the manifest weight of the evidence.

{¶ 4} A challenge to the manifest weight of the evidence attacks the verdict in light of the State’s burden of proof beyond a reasonable doubt. *State v. Thompkins*, 78 Ohio St.3d 380, 386-87, 1997-Ohio-52, 678 N.E.2d 541. When inquiring into the manifest weight of the evidence, the reviewing court sits as the “thirteenth juror and makes an independent review of the record.” *Id.* at 387; *Tibbs v. Florida* (1982), 457 U.S. 31, 42, 102 S.Ct. 2211, 72 L.Ed.2d 652. The appellate court reviews the entire record, weighs the evidence and all reasonable inferences, considers the credibility of all witnesses and determines whether in resolving conflicts in the evidence, the trier of fact clearly lost its way and created such a manifest miscarriage of justice that the judgment must be reversed and a new proceeding ordered. *State v. Martin* (1983), 20 Ohio App.3d 172, 175, 485 N.E.2d 717.

{¶ 5} Where a judgment is supported by competent, credible evidence going to all essential elements to be proven, the judgment will not be reversed as being against the manifest weight of the evidence. *State v. Mattison* (1985), 23 Ohio App.3d 10, 14, 490 N.E.2d 926. Accordingly, reversal on manifest weight grounds is reserved for “the

exceptional case in which the evidence weighs heavily against the conviction.” *Martin* at 175.

{¶ 6} In the instant case, Medler was convicted of domestic violence pursuant to R.C. 2919.25(A), which states: “[n]o person shall knowingly cause or attempt to cause physical harm to a family or household member.”

{¶ 7} The following evidence was adduced at trial.

{¶ 8} Linda Medler (“Linda”) and Bradley Medler had been married for 12 years. Each had been convicted of domestic violence against the other in the past. Medler had been ordered to seek treatment for his alcoholism twice before. The two were separated in 2009 but continued to live in the same home.

{¶ 9} Linda testified at trial that on the night in question, she was alone in her bedroom, eating and watching television. Medler began yelling obscenities at her from the hallway and then forced his way into her bedroom, breaking the doorframe and the chair that had been propped up against the door as a barricade. Linda assumed that he was intoxicated.

She attempted to call 911 on her cell phone, but Medler grabbed the phone and broke it. He then grabbed the can of food she had been eating and threw it at her head. He grabbed her by the ankles and pulled her off the bed. He choked her and screamed “you are only alive because I let you live.” He then left the room, and Linda called 911 on a second cell phone.

{¶ 10} Officer Mark Krzynowek (“Krzynowek”) was the first officer on the scene. He testified that he observed Linda covered in food with red marks on her throat and arm. Krzynowek photographed the scene and the marks, both of which were submitted as evidence. Krzynowek testified that Medler confessed to having taken Linda’s cell phone and “snapped it” during the incident.

{¶ 11} Budd Shubbert (“Shubbert”), Linda’s first husband, testified on behalf of Medler. Shubbert and Linda have a son, whom Shubbert testified had broken doorframes and punched holes in the walls of Linda’s home. Shubbert could not say for certain whether their son had damaged the doorframe of her room. In addition, Shubbert testified in regard to two domestic violence incidents that occurred during his marriage to Linda. He accused Linda of being the aggressor in one of the incidents. However, he admitted being the one arrested for that incident.

{¶ 12} Medler testified in his own defense. He testified that on the night in question, he was in the hallway outside of Linda’s bedroom plastering holes in the walls caused by Linda’s son. Medler testified that it was Linda who began screaming obscenities at him. He claimed that he ate dinner alone and went to bed. He further contended that Linda woke him hours later, screaming “you are going to jail.”

{¶ 13} Medler denied damaging the doorframe or breaking the chair. He testified that Linda’s son caused the damage to the doorframe on a prior occasion. Medler denied

throwing the can of food at Linda and choking her. He admitted drinking at least two beers and “swatting” the phone from Linda’s hand. He claimed that she poured the food on herself and caused the finger marks on her own throat in order to frame him for domestic violence, and to “gain an advantage” in their pending divorce.

{¶ 14} Medler argues that his conviction is against the manifest weight of the evidence because Linda’s testimony is not credible. He produced emails and instant messages showing that Linda was having an extramarital affair. However, we find that this evidence does not discredit her. Linda admitted to the court that she had communicated with and visited another man during her marriage, and that the relationship became romantic as time passed.

{¶ 15} In reviewing a claim challenging the manifest weight of the evidence, the question to be answered is whether ““there is *substantial* evidence upon which a jury could reasonably conclude that all the elements have been proved beyond a reasonable doubt.”” (Emphasis in original and citations omitted.) *State v. Leonard*, 104 Ohio St.3d 54, 2004-Ohio-6235, 81 N.E.2d 229, ¶81. Here, the trial court could have reasonably concluded from Linda’s testimony and the photographic evidence, as well as Officer Krzynowek’s testimony, that Medler committed domestic violence. Therefore, we cannot say that the trial court clearly lost its way and created a manifest miscarriage of justice when it convicted Medler.

{¶ 16} Accordingly, the sole assignment of error is overruled.

Judgment affirmed.

It is ordered that appellee recover of appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution. Case remanded to the trial court for execution of sentence.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

COLLEEN CONWAY COONEY, JUDGE

MELODY J. STEWART, P.J., and
EILEEN A. GALLAGHER, J., CONCUR