

[Cite as *State v. Carpenter*, 2011-Ohio-211.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 94709**

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**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**JAMES CARPENTER**

DEFENDANT-APPELLANT

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**JUDGMENT:**  
**AFFIRMED**

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Criminal Appeal from the  
Cuyahoga County Court of Common Pleas  
Case No. CR-507323

**BEFORE:** Cooney, J., Kilbane, A.J., and Celebrezze, J.

**RELEASED AND JOURNALIZED:** January 20, 2011  
**ATTORNEY FOR APPELLANT**

Ruth Fischbein-Cohen  
3552 Severn Road  
Suite 613  
Cleveland Hts., Ohio 44118

**ATTORNEYS FOR APPELLEE**

William D. Mason  
Cuyahoga County Prosecutor

By: Carrie Heindrichs  
Assistant County Prosecutor  
9<sup>th</sup> Floor, Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

**COLLEEN CONWAY COONEY, J.:**

{¶ 1} Defendant-appellant, James Carpenter (“Carpenter”), appeals his felonious assault conviction. Finding no merit to his appeal, we affirm.

{¶ 2} The procedural background of Carpenter’s first trial was previously set forth by this court in *State v. Carpenter*, Cuyahoga App. No. 91769, 2009-Ohio-3593 (“*Carpenter I*”), in which we stated:

{¶ 3} “Carpenter was arrested and charged with two counts of felonious assault, kidnapping, and domestic violence in February 2008. In May 2008, a jury found him guilty of felonious assault and abduction, a lesser included offense of kidnapping. The trial court sentenced him to six years in prison on the felonious assault charge and one year for abduction, to be served concurrently.”

{¶ 4} Carpenter appealed his convictions, arguing the verdict was against the manifest weight of the evidence. Based on medical records of the victim, Teresa Ferguson (“Ferguson”), which contradicted her own testimony about the “serious physical harm” she suffered at the hands of Carpenter, this court agreed, reversed the conviction on manifest weight grounds, and remanded for a new trial.

{¶ 5} In January 2010, the case proceeded to a bench trial after the State dismissed the abduction charge. The State based its case not on the alleged physical abuse, as they had in the first trial, but on the mental aspect of the harm Ferguson suffered at the hands of Carpenter. The following evidence was adduced at trial.

{¶ 6} Ferguson testified that Carpenter was her pimp and that each day Carpenter drove her to Lorain Avenue where she would engage in prostitution. After many hours of working the street, Carpenter would pick up Ferguson and

return her to the basement apartment of a rental home he owned. Ferguson testified that on May 21, 2007, when Carpenter returned to pick her up on Lorain Avenue, he began yelling at her and slapped her because he was dissatisfied with the amount of money she had made. She stated that when they returned to the basement apartment, he beat her again and flushed her psychiatric medication down the toilet. She testified that she feared for her life and blacked out during the abuse. She testified that she escaped through a window after he left and immediately went to see her parole officer, Annessa Slater (“Slater”). Ferguson explained to Slater what had happened, and Slater made arrangements for Ferguson to be taken to the hospital for treatment.

{¶ 7} Ferguson testified that she had been diagnosed with schizoaffective disorder years prior to May 21, 2007. She admitted to hearing voices, having been suicidal, and having experienced nervous breakdowns in the past. The trial court, however, did not allow evidence of any abuse that occurred prior to May 21.

{¶ 8} The trial court found Carpenter guilty of felonious assault and sentenced him to six years in prison.

{¶ 9} Carpenter appeals again, raising two assignments of error.

{¶ 10} In his first assignment of error, Carpenter argues that the State did not meet its burden of proving that he caused Ferguson serious physical harm. In his second assignment of error, Carpenter argues that the State failed to present

sufficient evidence to sustain his conviction for felonious assault. Both arguments relate to the sufficiency of the evidence and will, therefore, be addressed together.

{¶ 11} A challenge to the sufficiency of the evidence supporting a conviction requires a court to determine whether the State has met its burden of production at trial. *State v. Thompkins*, 78 Ohio St.3d 380, 390, 1997-Ohio-52, 678 N.E.2d 541. On review for sufficiency, courts are to assess not whether the State’s evidence is to be believed, but whether, if believed, the evidence against a defendant would support a conviction. *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, 574 N.E.2d 492, paragraph two of the syllabus.

{¶ 12} In the instant case, Carpenter was convicted of felonious assault under R.C. 2903.11(A)(1), which states “[n]o person shall knowingly \* \* \* [c]ause serious physical harm to another \* \* \*.” R.C. 2901.01(A)(5) defines “serious physical harm to persons” and includes:

“(a) *Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;*” (emphasis added).

{¶ 13} The State argues that Carpenter committed felonious assault when he flushed Ferguson’s medications down the toilet and physically, verbally and/or

emotionally abused her on May 21, causing her to have a mental breakdown, a mental condition that necessitated hospitalization. We agree.

{¶ 14} Ferguson testified at trial that Carpenter’s physical and verbal abuse that morning, along with his flushing her medications down the toilet, caused her to have a “mental breakdown.” She testified that his abuse caused her to blackout and subsequently become depressed and suicidal, symptoms for which she then sought medical treatment.

{¶ 15} Dr. Kathryn S. Muzina (“Muzina”) was the psychiatrist on duty in the emergency department when Ferguson was admitted. Muzina testified that Ferguson was depressed and upset upon arrival. Muzina testified that Ferguson reported to her that she and her boyfriend had been fighting that morning, and that during the fight, Carpenter flushed her medication down the toilet. Ferguson told Muzina that Carpenter had “threatened to mess up her face,” at which point she left the residence. After Muzina completed her evaluation of Ferguson, she sent Ferguson to the crisis stabilization unit. Medical records confirmed that Ferguson was admitted to the hospital and kept for 24 hours in order to “stabilize and get back on her medication.”

{¶ 16} During her testimony, when asked if Carpenter’s abuse caused Ferguson’s mental health issues, Muzina testified that “major depression tends not to come on suddenly, although there can be a depressed mood brought on by an

acute stress,” and that the threat of physical abuse from her boyfriend could have exacerbated Ferguson’s pre-existing condition, causing an acute reaction.

{¶ 17} Ferguson’s parole officer, Slater, testified that when Ferguson arrived at her office on the morning of May 21, she was visibly shaken and told Slater that she feared for her life.

{¶ 18} The State argues that this case is similar to *State v. Hodges* (1995), 107 Ohio App.3d 578, 669 N.E.2d 256, in which a priest was found guilty of felonious assault. A female parishioner had a prior history of psychiatric illness and had sought counseling from Hodges. During one of the counseling sessions, the two engaged in sexual intercourse. After the encounter, the woman carved the word “repent” into her arm and was admitted to a psychiatric hospital. Similar to Carpenter’s assault of Ferguson, Hodges did not “cause” his victim’s underlying mental health disorder, but he did exacerbate it to the point of requiring treatment and hospitalization.

{¶ 19} It is clear that Carpenter was not the cause of Ferguson’s life-long struggle with mental illness. He was, however, the cause of her breakdown on May 21. Carpenter’s abuse exacerbated Ferguson’s mental illness, causing a condition that required hospitalization. Therefore, the required elements of felonious assault are met.

{¶ 20} Having reviewed the evidence in a light most favorable to the prosecution, we find that a rational trier of fact could have found Carpenter guilty of

felonious assault. The State met its burden, and thus, Carpenter's two assignments of error attacking the sufficiency of the evidence are overruled.

Accordingly, the judgment is 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. The defendant's conviction having been affirmed, any bail pending appeal is terminated. 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.

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COLLEEN CONWAY COONEY, JUDGE

MARY EILEEN KILBANE, A.J., and  
FRANK D. CELEBREZZE, JR., J., CONCUR