

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State of Ohio,	:	
	:	
Plaintiff-Appellee,	:	
	:	
v.	:	No. 08AP-935
	:	(C.P.C. No. 08CR-04-3207)
Carl E. Papalevich,	:	
	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

O P I N I O N

Rendered on April 9, 2009

Ron O'Brien, Prosecuting Attorney, and *Sheryl L. Prichard*,
for appellee.

Brian J. Rigg, for appellant.

APPEAL from the Franklin County Court of Common Pleas.

TYACK, J.

{¶1} Carl E. Papalevich is appealing from his convictions on a charge of robbery as a felony of the third degree. He assigns a single error for our consideration:

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

{¶2} Robbery, as a felony of the third degree, is defined by R.C. 2911.02(A)(3) as follows:

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

* * *

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

{¶3} Papalevich encountered Lauren Nairn on April 20, 2008 as she was getting out of her car. Papalevich told her to "give me your fucking stuff" and grabbed her arm. After a brief struggle, the things she had in her hands fell to the ground. Papalevich grabbed one of the items, a cigarette case, and ran off. He was arrested a few minutes later.

{¶4} The elements of robbery as a felony of the third degree are all present. A cigarette case was stolen. Papalevich used force in the process of obtaining Nairn's "stuff."

{¶5} The jury verdict was fully supported by the weight of the evidence. The evidence was more than sufficient to support the verdict.

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

Judgment affirmed.

FRENCH, P.J., and McGRATH, J., concur.
