

**COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY**

State v. King

2021-Ohio-4229 (Ohio Ct. App. 2021) · No. Appellate Case No. 29137 · Decided December 3, 2021

SUMMARY

The Ohio Second District Court of Appeals reviewed Ronica King's convictions for felonious assault and domestic violence. The court held that the convictions were supported by sufficient evidence and were not against the manifest weight of the evidence. However, it found plain error in the trial court's failure to merge the convictions as allied offenses and remanded for resentencing.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Donovan, J.; Tucker, P.J.; Epley, J.
JURISDICTION	Ohio
DECIDED	December 3, 2021
DOCKET	Appellate Case No. 29137
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Ronica King appealed her jury convictions for felonious assault and domestic violence, challenging the sufficiency and manifest weight of the evidence and asserting that the offenses should merge as allied offenses under R.C. 2941.25.
STANDARD OF REVIEW	For sufficiency of the evidence, whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements proven beyond a reasonable doubt. For manifest weight, whether, after reviewing the entire record and weighing the evidence and credibility of witnesses, the jury clearly lost its way and created a manifest miscarriage of justice. The allied-offense merger issue was reviewed for plain error because King did not raise it below; the trial court's ruling on merger is reviewed de novo.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion

PARTIES

Ronica King v. State of Ohio

TOPICS

criminal procedure

evidence

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether sufficient evidence supported King's convictions for felonious assault and domestic violence.
2. Whether the convictions were against the manifest weight of the evidence.
3. Whether the felonious-assault and domestic-violence convictions were allied offenses of similar import that had to merge under R.C. 2941.25.

HOLDINGS

1. The evidence was legally sufficient to support King's convictions for felonious assault and domestic violence because a rational trier of fact could find all essential elements proven beyond a reasonable doubt.
2. The convictions were not against the manifest weight of the evidence.
3. The felonious-assault and domestic-violence convictions were allied offenses of similar import that had to merge, and the trial court's failure to merge them constituted plain error.

KEY QUOTATIONS

“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.” (¶ 14)

“Rather than compare the elements of two offenses to determine whether they are allied offenses of similar import, the analysis must focus on the defendant's conduct to determine whether one or more convictions may result, because an offense may be committed in a variety of ways and the offenses committed may have different import.” (¶ 30)

“Accordingly, based upon our holding in Wilson as applied to the facts of this case, the trial court's failure to merge the felonious assault and domestic violence offenses constituted plain error.” (¶ 34)

FACTUAL BACKGROUND

After Ronica King and the victim, Kendall Jones, ended their relationship, King and several others confronted Jones at his sister's residence to retrieve a vehicle key. King pulled Jones to the ground, kicked him, and held him by the neck while another person repeatedly punched him. Jones suffered facial wounds, a forehead injury

requiring stitches and leaving a scar, difficulty breathing, numbness, and recurring migraine headaches. King later admitted that she repeatedly punched Jones while he was on the ground.

PROCEDURAL HISTORY

King was indicted in the Montgomery County Court of Common Pleas on one count of felonious assault and one count of domestic violence. After a two-day jury trial, she was found guilty and sentenced to community control, intensive supervision, and 90 days in jail. On appeal, the court affirmed the evidentiary challenges but held that the failure to merge the offenses constituted plain error and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for resentencing after the trial court merges the felonious-assault and domestic-violence offenses as required by R.C. 2941.25.

CASES CITED

- State v. McKnight, 107 Ohio St. 3d 101, 2005-Ohio-6046, 837 N.E.2d 315, ¶¶ 69-71
- State v. Jenks, 61 Ohio St. 3d 259, 574 N.E.2d 492 (1991)
- State v. DeHass, 10 Ohio St. 2d 230, 231, 227 N.E.2d 212 (1967)
- State v. Lawson, 2d Dist. Montgomery No. 16288, 1997 WL 476684, *4 (Aug. 22, 1997)
- State v. Bradley, 2d Dist. Champaign No. 97-CA-03, 1997 WL 691510, *4 (Oct. 24, 1997)
- State v. Anderson, 10th Dist. Franklin No. 10AP-302, 2010-Ohio-5561, ¶ 13
- State v. Edwards, 83 Ohio App. 3d 357, 361, 614 N.E.2d 1123 (10th Dist. 1992)
- State v. Gray, 2d Dist. Montgomery No. 26139, 2016-Ohio-1419, ¶ 41
- State v. Benton, 2d Dist. Miami No. 2010-CA-27, 2012-Ohio-4080, 2012 WL 3871416, ¶ 7
- State v. Wilson, 2d Dist. Clark No. 2018-CA-2, 2020-Ohio-2962, ¶¶ 119, 127-128
- State v. Rogers, 143 Ohio St. 3d 385, 2015-Ohio-2459, 38 N.E.3d 860, ¶ 3
- State v. Trigg, 2d Dist. Montgomery No. 26757, 2016-Ohio-2752, ¶ 12
- State v. Shoecraft, 2d Dist. Montgomery No. 27860, 2018-Ohio-3920, ¶ 56
- State v. Ruff, 143 Ohio St. 3d 114, 2015-Ohio-995, 34 N.E.3d 892, ¶¶ 25, 30-31
- State v. Earley, 145 Ohio St. 3d 281, 2015-Ohio-4615, 49 N.E.3d 266, ¶¶ 11, 20
- State v. Johnson, 128 Ohio St. 3d 153, 2010-Ohio-6314, 942 N.E.2d 1061
- State v. Wood, 2d Dist. Montgomery No. 26134, 2016-Ohio-143, ¶ 54
- State v. McGail, 2015-Ohio-5384, 55 N.E.3d 513, ¶¶ 51, 60 (2d Dist.)
- State v. LeGrant, 2d Dist. Miami No. 2013-CA-44, 2014-Ohio-5803, ¶ 15

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