# CAPTION: State v. Mincey

**02-17-23**

APPEAL NO.: C-220061

TRIAL NO.: B-1701856-A

KEY WORDS: Rape – Sexual Battery – Other-Acts Evidence – Relevance – Rape-Sheild Statute – Expert Testimony ­– Harmless Error – Cumulative Error

SUMMARY:

It was harmless error when the trial court improperly admitted evidence that defendant had sexually abused the victim outside of Ohio where the out-of-state acts were substantially similar to the charged acts of rape and sexual battery in Ohio and played a relatively minor role in the victim’s overall narrative of events, the state did not emphasize the out-of-state acts in closing argument, and the remaining evidence of guilt was strong enough to stand on its own.

The trial court did not err in admitting evidence of defendant’s web-search history for pornography that bore a striking similarity to the charged acts of rape and sexual battery because such web searches were relevant to defendant’s state of mind.

The trial court did not err in excluding evidence of the victim’s prior allegations of sexual abuse under the rape-shield statute because nothing in the record supported defendant’s claim that the victim’s allegations were entirely false.

It was harmless error for the trial court to admit expert testimony that the expert believed that sexual abuse had occurred based on nothing more than the victim’s statements because the state did not mention the expert’s testimony during closing argument and the other evidence against defendant was strong enough to stand on its own.

The cumulative effect of the harmless errors during defendant’s trial were not so significant as to create a reasonable probability that the outcome would be different had none of the harmless errors occurred based on the lack of emphasis placed on the improperly admitted evidence by the state and the strength of the remaining evidence against the defendant.

JUDGMENT: AFFIRMED

JUDGES: Opinion by Crouse, P.J.; Winkler and BOCK, JJ., concur.