# CAPTION: STATE V. WARNER

**05-22-24**

APPEAL NO: C-230388

TRIAL NO: B-2005821

KEY WORDS: RAPE — R.C. 2907.02(A)(1)(b) —EVIDENCE — SUFFICIENCY — MANIFEST WEIGHT — HEARSAY — STATEMENTS MADE FOR MEDICAL DIAGNOSIS OR TREATMENT

SUMMARY:

Defendant’s conviction for rape of a person under the age of 13 was supported by sufficient evidence where the victim testified at trial that defendant performed acts constituting cunnilingus with the victim when she was less than 13 years of age.

The trial court did not commit plain error in admitting the entire forensic interview of the child-rape-victim where defendant did not object to the video, the victim testifying at trial removed any Confrontation Clause concerns, and many of the victim’s statements in the interview were made for the purpose of medical diagnosis and treatment.

JUDGMENT: AFFIRMED

JUDGES: OPINION by BOCK, P.J.; ZAYAS and WINKLER, JJ., CONCUR.