# CAPTION: IN RE: K.M.

**06-14-24**

APPEAL NOS.: C-230541

 C-230542

TRIAL NOS.: 22-1666X

 22-1667X

KEY WORDS: JUVENILE – DELINQUENCY – EVIDENCE – EVID.R. 404(B) – HEARSAY – SEX OFFENSES

SUMMARY:

In a delinquency proceeding for gross sexual imposition, the juvenile court did not err in admitting video recordings of social worker interviews with two child victims under the Evid.R. 803(4) hearsay exception for statements made for medical treatment or diagnosis where the interviews took place at a medical center, the interviewers were not leading, and where the victims understood the need to tell the truth, did not have a motive to lie, and were relatively consistent.

The juvenile court did not err in admitting evidence of the juvenile’s history with pornography where the juvenile opened the door to the evidence by cross-examining a witness about it and where the evidence was not unfairly prejudicial and where the trial court took extensive measures to limit the evidence and did not improperly consider it as propensity evidence, and where the evidence was thus not inadmissible under Evid.R. 404(B).

The juvenile court erred in admitting evidence of a victim’s prior assault by the juvenile where the juvenile’s counsel did not open the door to the evidence and where it was highly inflammatory, was not necessary to clarify the context of the witness’s testimony, and had merely propensity-based evidentiary value and thus was inadmissible under Evid.R. 404(B): The juvenile court’s error was harmless where, after excluding the improper evidence, substantial other evidence supported the outcome of the trial beyond a reasonable doubt and where the trial court took other extensive measures to limit similar evidence and seemingly did not rely on the evidence in adjudicating the juvenile delinquent.

The juvenile court did not err in adjudicating defendant delinquent where the adjudications were supported by legally sufficient evidence and were not against the manifest weight of the evidence.

JUDGMENTS: AFFIRMED

JUDGES: OPINION by BERGERON, J.; BOCK, P.J., and KINSLEY, J., CONCUR.