IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-250505 TRIAL NO. B-2404611
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY*
FRED JORDAN,	:	
Defendant-Appellant.	:	

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 9/18/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer A. Hensley
Administrative Judge

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Plaintiff-Appellee,	:	
vs.	:	*O P I N I O N*
FRED JORDAN,	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: September 18, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Ronald W. Springman, Jr.,* Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Angela Glaser Law and *Angela J. Glaser*, for Defendant-Appellant.

NESTOR, Judge.

{¶1} Minor inconsistent statements from a child witness do not create a manifest miscarriage of justice where the State offers other corroborating evidence to support a conviction. The State charged defendant-appellant Fred Jordan with two counts of rape of a minor and one count of gross sexual imposition. The matter proceeded to a jury trial. After defense counsel's Crim.R. 29 motion, the jury deliberated only on the rape counts under R.C. 2907.02(A)(1)(b), which states "No person shall engage in sexual conduct with another when any of the following applies: The other person is less than thirteen years of age." The jury found Jordan guilty of Count 1 and not guilty on Count 2. Jordan now appeals arguing his conviction is based on insufficient evidence and against the manifest weight of the evidence. Because the State fully made its case that Jordan raped a 12-year-old girl and because that conviction was not against the manifest weight of the evidence, we affirm the trial court's judgment.

I. Factual and Procedural History

{¶2} Twelve-year-old R.L. ran away from her group home on December 15, 2023. She walked downtown in search of a friend, ended up at an apartment in Clifton, and returned downtown where she ultimately encountered Jordan, a stranger to R.L.

{¶3} R.L. testified at trial that she and Jordan rode a bus to another person's apartment. There were others in the apartment but R.L. did not speak to anyone other than Jordan. R.L. and Jordan entered the apartment and Jordan took her to the bedroom. He handed her a tablet and played pornographic videos for her. He then pulled down his pants and requested R.L. perform fellatio on him. R.L. testified she put his penis in her mouth.

{¶4} R.L. testified that next Jordan had her remove all remaining articles of

clothing, and he put his penis in her vagina. R.L. stated that it hurt, and she asked him to stop. R.L. dressed and left the apartment.

{¶5} She rode the bus and decided to get off at a random gas station. From there, she got into a car with another random man and fell asleep. When she woke up, she was at a police station. The police discovered she had run away and then had her taken to Cincinnati Children's Hospital. At Children's, she had a full rape kit done.

{¶6} Defense counsel questioned R.L. about her statements to police in an attempt to impeach her credibility. R.L. was not the ideal witness in regard to her statements. She admitted that some of her statements and recollections regarding the event were inaccurate.

{¶7} Detectives Brandon Harrison and Amy Herrick testified about the photo array they showed R.L to identify Jordan. In early 2024, R.L. was placed in a new group home in Toledo. Both detectives work for the Toledo Police Department. R.L. identified Jordan as the man who raped her. Detective Herrick presented the photo array as a blind administrator on August 15, 2024.

{¶8} William Harry also testified. Harry is a forensic biologist at the Hamilton County Coroner's Crime Laboratory. He testified that testing on R.L.'s clothing revealed a DNA match for Jordan. There was a stain on the crotch of R.L.'s pants that matched Jordan's semen. There was also a YSTR[1] match for sperm with Jordan's male familial line on R.L.'s vaginal swabs. Harry also found DNA of another person on R.L.'s vaginal swabs. Harry was able to determine this was a female contributor. There was also a mix of YSTR DNA from at least two male individuals on

[1] Harry explained that the YSTR test was a match to Jordan's Y chromosome. Jordan has the same Y chromosome as all the men in his family. Harry said, "YSTRs are a little bit different in the general testing that we do in that they come specifically from the Y chromosome."

R.L.'s neck swabs. One matched Jordan and any of his male relative's YSTR profile.

{¶9} The State also introduced testimony from the man who drove R.L. to the police station, the officer at that police station, the doctor who treated R.L. while at Children's Hospital, the nurse who performed the rape kit, the social worker who met with R.L. at Children's Hospital, Jordan's parole officer, and the lead detective. Relevant to Jordan's appeal are statements from other witnesses that contradicted parts of R.L.'s testimony. These contradictions concern the order of events and what exactly R.L. was wearing on December 16, 2023. The defense moved for a judgment of acquittal under Crim.R. 29 on all counts after the State rested. The court denied the motion for Counts 1 and 2 (both rape counts) but granted it for Count 3 (gross sexual imposition). The jury then deliberated and found Jordan guilty of rape in Count 1 (for vaginal intercourse) and not guilty of rape in Count 2 (for fellatio).

{¶10} The trial court sentenced Jordan to ten years to life in prison. The court also ordered him to register as a Tier III sex offender. This appeal followed.

II. Analysis

{¶11} In his first assignment of error, Jordan argues there was insufficient evidence to convict him. In his second assignment of error, he argues his conviction was against the manifest weight of the evidence.

A. First Assignment of Error

{¶12} In his first assignment of error, Jordan argues the State did not prove every element of the crime, so his conviction was based on insufficient evidence. In reviewing a challenge to the sufficiency of the evidence, an appellate court must determine "'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.'" *State v. Smith*, 80 Ohio St.3d 89, 113

(1997), quoting *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus.

{¶13} R.C. 2907.02(A)(1)(b) says, "No person shall engage in sexual conduct with another when any of the following applies: The other person is less than thirteen years of age, whether or not the offender knows the age of the other person." "'Sexual conduct' means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse." R.C. 2907.01(A). Count 1, which the jury found Jordan guilty of, specified that the State was charging him with vaginal intercourse.

{¶14} The State provided sufficient evidence that Jordan engaged in sexual conduct with R.L. R.L. testified about the encounter on direct examination. Jordan argues that someone else could have raped R.L., however DNA testing revealed Jordan's semen on the crotch of R.L.'s pants with her dried blood. While there was DNA from others on R.L., there was only semen from Jordan. This corroborates R.L.'s testimony that Jordan raped her. The State provided sufficient evidence of sexual conduct.

{¶15} The State also proved that R.L. was less than 13 years of age when the sexual conduct occurred. R.L. testified she was 12 years old in December of 2023. The State introduced her medical records from Children's Hospital, which showed her date of birth and her age to be 12. The State provided sufficient evidence that R.L. was less than the age of 13.

{¶16} Accordingly, we overrule appellant's first assignment of error.

B. Second Assignment of Error

{¶17} In his second assignment of error, Jordan argues R.L.'s testimony was incredulous and inconsistent, rendering his conviction against the manifest weight of the evidence. "[W]hile a review of the sufficiency of the evidence asks whether the State met its burden of production, a manifest-weight-of-the-evidence challenge looks to whether the State met its burden of persuasion." *State v. Reillo*, Slip Opinion No. 2026-Ohio-2701, ¶ 24, citing *State v. Messenger*, 2022-Ohio-4562, ¶ 45 (10th Dist.). The manifest weight of the evidence standard refers to whether there is a "'greater amount of credible evidence . . . to support one side of the issue rather than the other.'" *Id.* at ¶ 25, quoting *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997). When deciding whether a judgment entered by the trial court is against the manifest weight of the evidence, the appellate court "'must always be mindful of the presumption in favor of the finder of fact.'" *Id.* at ¶ 28, quoting *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 21. This is an exceptional remedy that we reserve for cases where "'the evidence weighs heavily against the conviction.'" *State v. Cook*, 2024-Ohio-4771, ¶ 27 (1st Dist.), quoting *Thompkins* at 387. "There must be something more than a mere inconsistency" to warrant reversal. *See Reillo* at ¶ 32.

{¶18} Jordan argues only that R.L.'s testimony was inconsistent and therefore she was not a credible witness. The jury as the fact finder was in the best position to weigh R.L.'s credibility and all the other evidence submitted by the State. Having found Jordan not guilty of fellatio as charged in Count 2, the jury clearly weighed R.L.'s credibility. The jury found that R.L. and Jordan engaged in vaginal intercourse, and the DNA evidence of Jordan's semen likely bolstered the jury's determination of guilt on Count 1. This conviction was not against the manifest weight of the evidence.

{¶19} While R.L. was inconsistent about certain aspects, she remained

consistent that Jordan raped her. She identified him in a photo array months after the rape, and she identified him during trial. She did not remember every detail of what happened that night, but mere inconsistencies do not warrant reversal. *Id.*

{¶20} We overrule Jordan's second assignment of error.

III. Conclusion

{¶21} Inconsistent statements by a child witness should be expected. Even when witness testimony is inconsistent, DNA testimony that corroborates a child victim's testimony can persuade a jury. In this case, the jury did not lose its way. Having overruled all assignments of error, we affirm the trial court's judgment.

Judgment affirmed.

KINSLEY, P.J., and **CROUSE, J.,** concur.