

IN THE COURT OF APPEALS OF OHIO  
TENTH APPELLATE DISTRICT

|                           |   |                       |
|---------------------------|---|-----------------------|
| State of Ohio,            | : |                       |
|                           | : | No. 25AP-585          |
| Plaintiff-Appellee,       | : | (C.P.C. No. 23CR-706) |
| v.                        | : |                       |
|                           | : | (REGULAR CALENDAR)    |
| William R. Mejia-Estrada, | : |                       |
|                           | : |                       |
| Defendant-Appellant.      | : |                       |

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D E C I S I O N

Rendered on August 31, 2026

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**On brief:** *Shayla D. Favor*, Prosecuting Attorney, and *Benjamin A. Tracy*, for appellee. **Argued:** *Benjamin A. Tracy*.

**On brief:** *Todd W. Barstow*, for appellant. **Argued:** *Todd W. Barstow*.

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APPEAL from the Franklin County Court of Common Pleas

JAMISON, J.

{¶ 1} Defendant-appellant, William R. Mejia-Estrada, appeals from a judgment entry entered by the Franklin County Court of Common Pleas. For the following reasons, we affirm that judgment.

**I. FACTS AND PROCEDURAL HISTORY**

{¶ 2} On February 10, 2023, appellant was indicted for Count One, Count Two, and Count Three, rape, in violation of R.C. 2907.02, each a felony in the first degree; and Count Four, gross sexual imposition, in violation of R.C. 2907.05, a felony of the third degree. The case was tried to a jury and the jury returned a verdict on April 24, 2025, finding appellant guilty of each count of the indictment.

{¶ 3} On June 9, 2025, a sentencing hearing was held. Appellant was sentenced to a mandatory prison term. Appellant was sentenced in Count One, Count Two, and Count Three, to a mandatory, indefinite sentence of 10 years to life and as to Count Four, a non-mandatory definite sentence of 60 months. Counts One and Three are to be served consecutively to each other pursuant to R.C. 2929.14(C)(4) and 2929.14(C)(4)(b). The terms imposed as to Counts Two and Four are to run concurrently to the terms imposed as to Count One. The total stated sentence imposed was an indefinite prison term of 20 years to life, to be served at the Ohio Department of Rehabilitation and Correction. The trial court gave its findings and stated the reasons for the consecutive sentence as required by R.C. 2929.19(B)(2). It is from that judgment that appellant now timely appeals.

## II. ASSIGNMENTS OF ERROR

{¶ 4} Appellant assigns the following as trial court errors:

[1.] THE TRIAL COURT ERRED AND DEPRIVED APPELLANT OF DUE PROCESS OF LAW AS GUARANTEED BY THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE ONE SECTION TEN OF THE OHIO CONSTITUTION BY FINDING HIM GUILTY OF RAPE AND GROSS SEXUAL IMPOSITION AS THOSE VERDICTS WERE NOT SUPPORTED BY SUFFICIENT EVIDENCE AND WERE ALSO AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.

[2.] THE TRIAL COURT ERRED TO THE PREJUDICE OF APPELLANT BY IMPROPERLY SENTENCING HIM TO CONSECUTIVE TERMS OF INCARCERATION IN CONTRAVENTION OF OHIO'S SENTENCING STATUTES.

## III. STANDARD OF REVIEW

{¶ 5} Whether the evidence is sufficient as a matter of law to support a conviction involves a determination of whether the plaintiff-appellee, State of Ohio, met its burden of production at trial. *See, e.g., State v. Smith*, 2004-Ohio-4786, ¶ 16 (10th Dist.); *State v. Frazier*, 2007-Ohio-11, ¶ 7 (10th Dist.); *State v. Thompkins*, 1997-Ohio-52, ¶ 21. We do not weigh the evidence but instead 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. Leonard*, 2004-Ohio-6235, ¶ 77, quoting *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus.

{¶ 6} “In evaluating a sufficiency challenge, we assume the state’s witnesses testified truthfully and determine whether that testimony and any other evidence presented at trial satisfied each element of the offenses. *See State v. Magan*, 2026-Ohio-1466, ¶ 25 (10th Dist.), citing *State v. Watkins*, 2016-Ohio-8272, ¶ 31 (10th Dist.). Thus, evidence is sufficient to support a conviction where, if believed, that evidence would allow any rational trier of fact to conclude that the state proved each element of the offense beyond a reasonable doubt. *Frazier* at ¶ 7, citing *Jenks* at paragraph two of the syllabus.” *State v. Taylor*, 2026-Ohio-2497, ¶ 16 (10th Dist.).

{¶ 7} “Whether there is legally sufficient evidence to sustain a verdict is a question of law. [*Thompkins*, 1997-Ohio-52]. Sufficiency is a test of adequacy. *Id.* The relevant inquiry for an appellate court is whether the evidence presented, when viewed in a light most favorable to the prosecution, would allow any rational trier of fact to find the essential elements of the crime proven beyond a reasonable doubt. *State v. Mahone*, [2014-Ohio-1251, ¶ 38 (10th Dist.)], citing *State v. Tenace*, [2006-Ohio-2417, ¶ 37].” *State v. Messenger*, 2021-Ohio-2044, ¶ 34 (10th Dist.).

{¶ 8} Unlike sufficiency of the evidence, a challenge to manifest weight of the evidence attacks the credibility of the evidence presented and questions whether the state met its burden of persuasion. *See, e.g., State v. Richey*, 2018-Ohio-3498, ¶ 50 (10th Dist.), citing *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 11-13; *Thompkins* at ¶ 22-23. Because it is a broader review, a reviewing court may determine that a judgment of a trial court is sustained by sufficient evidence but nevertheless conclude that the judgment is against the weight of the evidence. *Thompkins* at ¶ 24, citing *State v. Robinson*, 162 Ohio St. 486, 487 (1955).

{¶ 9} “[W]eight of the evidence” concerns the inclination of the greater amount of credible evidence offered in a trial to support one side of the issue rather than the other. *State v. Petty*, 2017-Ohio-1062, ¶ 60 (10th Dist.), quoting *State v. Boone*, 2015-Ohio-2648, ¶ 49 (10th Dist.), citing *Thompkins* at ¶ 24. When considering an appellant’s claim that a conviction is against the manifest weight of the evidence, we sit as a “thirteenth juror” and may disagree “with the factfinder’s resolution of the conflicting testimony.” *Thompkins* at ¶ 25, citing *Tibbs v. Florida*, 457 U.S. 31, 42 (1982). *See also State v. Martin*, 2022-Ohio-4175, ¶ 26.

{¶ 10} In making this determination, we must examine the entire record, weigh the evidence and all reasonable inferences, consider the witnesses' credibility, and determine whether, in resolving conflicts in the evidence, the trier of fact clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered. *See, e.g., Sparre v. Ohio Dept. of Transp.*, 2013-Ohio-4153, ¶ 10 (10th Dist.); *Eastley* at ¶ 20; *Thompkins* at ¶ 24; *Martin* at ¶ 26.

{¶ 11} To reverse a jury verdict as being against the manifest weight of the evidence, a unanimous concurrence of all three judges on the court of appeals panel reviewing the case is required pursuant to Article IV, Section 3(B)(3) of the Ohio Constitution. *Bryan-Wollman v. Domonko*, 2007-Ohio-4918, ¶ 2-4, citing *Thompkins* at paragraph four of the syllabus.

#### IV. LEGAL ANALYSIS

##### **A. Whether or Not the Trial Court Erred and Deprived Appellant of Due Process of Law as Guaranteed by the Fourteenth Amendment to the United States Constitution and Article One, Section Ten of the Ohio Constitution by Finding Him Guilty of Rape and Gross Sexual Imposition, and Whether Sufficient Evidence Was also Against the Manifest Weight of the Evidence.**

{¶ 12} An appellate court's function in reviewing the sufficiency of the evidence to support a criminal conviction is to examine the evidence admitted at trial to determine whether such evidence, if believed, would convince the average mind of the defendant's guilt beyond a reasonable doubt. The verdict will not be disturbed unless the appellate court finds that reasonable minds cannot reach the conclusion reached by the trier of facts. *State v. Davis*, 1998 Ohio App. LEXIS 4455, \*1 (10th Dist. Sept. 24, 1998).

{¶ 13} Rape is defined in R.C. 2907.02 as:

(A)(1) No person shall engage in sexual conduct with another when any of the following applies:

...

(b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.

R.C. 2907.02(A)(1)(b). “ “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.’ ” *State v. Jeffries*, 2020-Ohio-1539, ¶ 17, quoting R.C. 2907.01(A).

{¶ 14} The record finds that J.M. was born on April 21, 2011. The time period of the indictment—February 1, 2021 to April 21, 2022—J.M. was nine to ten years old. (Feb. 10, 2023 Indictment at 1; Apr. 22, 2025 Entry Am. Indictment; June 9, 2025 Tr. at 5-8.) J.M., in the video interview and her live testimony, stated that appellant used his penis to engage in vaginal intercourse with her. (Apr. 22, 2025 Tr. Vol. II at 218, 221, 223; State’s Ex. B at 9:00-9:10, 15:35-17:25, 17:50-18:25, 19:40-29:20.)

Q. Did he ever put his penis inside of your vagina?

A. Yes.

Q. Can you tell us approximately how many times that happened?

A. Probably multiple times. More than three. That’s all I know.

Q. Okay. More than three?

A. Yeah.

(Tr. Vol. II at 223-224.) Based upon the testimony of J.M. that appellant penetrated her vaginally “[p]robably multiple times[,] [m]ore than three[,] [t]hat’s all I know,” we find that the jury could find beyond a reasonable doubt that appellant raped her vaginally. *Id.* at 223. “Sufficiency” has been described as a term of art meaning that legal standard which is applied to determine whether the case may go to the jury or whether the evidence is legally sufficient to support the jury verdict as a matter of law. In essence, sufficiency is a test of adequacy. *Eastley*, 2012-Ohio-2179, at ¶ 11. We do not review credibility of the witness on review for sufficiency of the evidence. We assume that J.M. testified truthfully. *State v. Yarbrough*, 2002-Ohio-2126, ¶ 79-80 (evaluation of witness credibility not proper on review for sufficiency of evidence); *State v. Bankston*, 2009-Ohio-754, ¶ 4 (10th Dist.) (noting that “in a sufficiency of the evidence review, an appellate court does not engage in a determination of witness credibility; rather, it essentially assumes the state’s witnesses testified truthfully and determines if that testimony satisfies each element of the crime”). See *State v. Daley*, 2020-Ohio-4390, ¶ 37 (10th Dist.). Because we assume that J.M. testified truthfully that appellant put his penis in her vagina on “more than three”

occasions, we find that the testimony of J.M. is sufficient to support the conviction of rape in Counts One, Two, and Three.

{¶ 15} Gross sexual imposition is defined in R.C. 2907.05:

(A) No person shall have sexual contact with another . . . when any of the following applies:

...

(4) The other person . . . is less than thirteen years of age, whether or not the offender knows the age of that person.

R.C. 2907.05(A)(4). R.C. 2907.01(B) states: “ “[s]exual contact” means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.’ ” *Jeffries*, 2020-Ohio-1539, at ¶ 17, quoting R.C. 2907.01(B).

{¶ 16} J.M. testified that a particular incident that stuck in her mind and also about the nature of the abuse. “As to the particular incident, she explained that Mejia-Estrada started by touching her vagina with his hands and progressed to using his penis or, to use her vernacular, his ‘dick.’ (Tr. at 221.) Though he rubbed his hands all over her body, he never put his hand inside her vagina, never grabbed her breasts specifically. (Tr. at 222-23.) She was crying, asking him to stop, and trying to push him off; but she couldn’t and he wouldn’t stop rubbing his hands all over her. (Tr. at 224.)” (Appellee’s Brief at 3.) The Supreme Court of Ohio has defined sexual contact. We find this testimony sufficient to support the conviction beyond a reasonable doubt of gross sexual imposition in Count Four of the indictment.

{¶ 17} Appellant’s brief focuses heavily on what he considered “significant discrepancy” as to the issues of digital penetration. (Appellant’s Brief at 4.) What we know is the child was under the age of ten at the time the acts he stands convicted of occurred. Further, J.M. testified, and the jury believed, that appellant would call her on the Ring camera and tell her to come upstairs to his bedroom, where he would then sexually assault her. “J.M. testified that this was a ‘daily’ occurrence done in full view of her siblings[.]” (Appellant’s Brief at 4.)

{¶ 18} This court held in *State v. Strong*, 2011-Ohio-1024, ¶ 38-40 (10th Dist.), that:

A defendant is not entitled to a reversal on manifest weight grounds simply because there was inconsistent evidence presented at trial. *State v. Raver*, 10th Dist. No. 02AP-604,

2003 Ohio 958, ¶ 21; *State v. Stewart*, 10th Dist. No. 08AP-33, 2009 Ohio 1547, ¶ 17. The trier of fact is in the best position to take into account any inconsistencies, along with the witnesses' demeanor and manner of testifying, and determine whether or not the witnesses' testimony is credible. [*State v. Chandler*, 2006-Ohio-2070,] ¶ 9 [(10th Dist.)], citing *State v. Williams*, 10th Dist. No. 02AP-35, 2002 Ohio 4503, ¶ 58; *Stewart* at ¶ 17.

“While the jury may take note of the inconsistencies and resolve or discount them accordingly, see [*State v. DeHass*, 10 Ohio St.2d 230 (1967)], such inconsistencies do not render defendant's conviction against the manifest weight or sufficiency of the evidence.” *State v. Nivens* (May 28, 1996), 10th Dist. No. 95APA09-1236, 1996 Ohio App. LEXIS 2245, at \*7, 1996 WL 284714, at \*3. A jury, as the finder of fact and the sole judge of the weight of the evidence and the credibility of the witnesses, may believe or disbelieve all, part, or none of a witness's testimony. *State v. Antill* (1964), 176 Ohio St. 61, 67, 197 N.E.2d 548; *State v. Jackson*, 10th Dist. No. 01AP-973, 2002 Ohio 1257; *Chandler* at ¶ 13; *Raver* at ¶ 21.

. . . An appellate court must give great deference to the factfinder's determination of the witness credibility. *Chandler* at ¶ 19; *State v. Webb*, 10th Dist. No. 10AP-189, 2010 Ohio 5208, ¶ 16.

{¶ 19} J.M. testified before the jury, the finders of fact, who determined that despite the inconsistencies that appellant raises, those inconsistencies did not render her testimony untrue. The jury, as the finder of fact, may believe or disbelieve all, part, or none of a witness's testimony. *State v. Antill*, 176 Ohio St. 61, 67 (1964); *State v. Jackson*, 2002-Ohio-1257 (10th Dist.). A conviction is not against the manifest weight of the evidence merely because the jury believed the prosecution testimony. *State v. Houston*, 2005-Ohio-4249, ¶ 38 (10th Dist.) (*reversed and remanded in part on other grounds*); *Stewart* at ¶ 22. Further, we also follow well-settled law that “Ohio courts have held that the testimony of one witness, if believed by the jury, is sufficient to support a conviction.” *Strong* at ¶ 42, citing *State v. Dunn*, 2009-Ohio-1688, ¶ 133 (5th Dist.). See also *State v. Robinson*, 2021-Ohio-3715, ¶ 33 (10th Dist.).

{¶ 20} J.M. testified and was subject to cross-examination, at which point appellant's trial counsel had the opportunity to attempt to undermine her credibility. Based on the evidence presented, the jury was free to decide that J.M.'s testimony was credible. Also, the jury could consider any perceived inconsistency in her testimony and draw the

conclusion that despite some conflicts in the memory of the child, her testimony was believable. This is not the exceptional case in which evidence weighs heavily against the conviction, therefore, the conviction is not against the manifest weight of the evidence.

**B. Whether the Trial Court Adequately Incorporated the Findings to Impose Consecutive Sentences.**

{¶ 21} The following statute, in pertinent part, gives guidance to the appellate court when reviewing the imposition of consecutive sentences. “R.C. 2953.08(G)(2) provides the appropriate standard of review ‘[o]n appeals involving the imposition of consecutive sentences.’” *State v. Dixon*, 2015-Ohio-5277, ¶ 7 (10th Dist.), quoting *State v. Bonnell*, 2014-Ohio-3177, ¶ 28. R.C. 2953.08(G)(2)(a) and (b) provides, in relevant part, as follows:

The appellate court may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing court for resentencing. The appellate court’s standard for review is not whether the sentencing court abused its discretion. The appellate court may take any action authorized by this division if it clearly and convincingly finds either of the following:

(a) That the record does not support the sentencing court’s findings under division (B) or (D) of section 2929.13, division (B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code, whichever, if any, is relevant;

(b) That the sentence is otherwise contrary to law.

{¶ 22} The “ ‘clearly and convincingly’ standard under R.C. 2953.08(G)(2) is written in the negative which means that it is an ‘extremely deferential standard of review.’” *State v. Hargrove*, 2015-Ohio-3125, ¶ 22 (10th Dist.), quoting *State v. Bittner*, 2014-Ohio-3433, ¶ 9 (2d Dist.). *See also Messenger*, 2021-Ohio-2044, at ¶ 34 (10th Dist.).

{¶ 23} A sentencing court is not required to give a talismanic incantation of the words of R.C. 2929.14(C)(4), provided that the necessary findings can be found in the record and are incorporated into the sentencing entry. A word-for-word recitation of the language of the statute is not required, and as long as the reviewing court can discern that the trial court engaged in the correct analysis and can determine that the record contains evidence to support the findings, consecutive sentences should be upheld. *State v. Fields*,



2017-Ohio-661, ¶ 13 (10th Dist.). A trial court's inadvertent failure to incorporate the statutory findings for consecutive sentences in the sentencing entry after properly making those findings at the sentencing hearing does not render the sentence contrary to law; rather, such a clerical mistake may be corrected by the court through a nunc pro tunc entry to reflect what actually occurred in open court.

{¶ 24} In *Bonnell*, the Supreme Court held that “[w]hen imposing consecutive sentences, a trial court must state the required findings as part of the sentencing hearing, and by doing so it affords notice to the offender and to defense counsel. See Crim.R. 32(A)(4). And because a court speaks through its journal, *State v. Brooke*, [2007-Ohio-1533, ¶ 47], the court should also incorporate its statutory findings into the sentencing entry. However, a word-for-word recitation of the language of the statute is not required, and as long as the reviewing court can discern that the trial court engaged in the correct analysis and can determine that the record contains evidence to support the findings, consecutive sentences should be upheld.” *Bonnell*, 2014-Ohio-3177, at ¶ 29.

{¶ 25} A trial court's inadvertent failure to incorporate the statutory findings in the sentencing entry after properly making those findings at the sentencing hearing does not render the sentence contrary to law; rather, such a clerical mistake may be corrected by the court through a nunc pro tunc entry to reflect what actually occurred in open court. See *State v. Qualls*, 2012-Ohio-1111, ¶ 15 (where notification of post-release control was accurately given at the sentencing hearing, an inadvertent failure to incorporate that notice into the sentence may be corrected by a nunc pro tunc entry without a new sentencing hearing). But a nunc pro tunc entry cannot cure the failure to make the required findings at the time of imposing a sentence. See *State v. Miller*, 2010-Ohio-5705, ¶ 16 (“a nunc pro tunc order cannot cure the failure of a judge to impose restitution in the first instance at sentencing”).

{¶ 26} In the instant case, the trial court made findings on the record as mandated by R.C. 2929.14(C). The trial court stated on the record at the sentencing hearing that:

Now, in this case -- in this case the Court finds that the presumption in favor of concurrent sentences can be overcome. . . . [.] I do find that consecutive sentences are necessary to protect the public from future crime and/or to punish the defendant, and that consecutive sentences wouldn't be

disproportionate to the seriousness of the offense and the danger that the defendant poses to the public.

Now, the Court finds that at least multiple offenses at issue here were committed as a single course of conduct. So that would be -- the harm caused by those offenses being so great or unusual that a single term would not adequately reflect the seriousness of the defendant's conduct.

(June 9, 2025 Tr. at 14-15.)

{¶ 27} From the findings on the record, this court can deduce that the trial court made the required findings mandated by R.C. 2929.14(C)(4) at the sentencing hearing. However, the trial court failed to incorporate its findings into its sentencing entry. We cannot find that the imposition of consecutive sentences or term of incarceration is contrary to law. Based on the aforementioned, we sustain appellant's second assignment of error.

## V. CONCLUSION

{¶ 28} Having overruled appellant's first assignment of error, we sustain appellant's second assignment of error. We remand this matter to the trial court strictly for the trial court to correct the clerical mistake through a nunc pro tunc entry to reflect what actually occurred in open court, specifically, to include the findings for consecutive terms of incarceration in the sentencing entry.

*Judgment affirmed in part and reversed in part;  
cause remanded.*

BOGGS, P.J., and DORRIAN, J., concur.

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