

**IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
SENECA COUNTY**

STATE OF OHIO,

CASE NO. 13-26-05

PLAINTIFF-APPELLEE,

v.

WILLIAM R. STEVENS,

**OPINION AND
JUDGMENT ENTRY**

DEFENDANT-APPELLANT.

**Appeal from Seneca County Common Pleas Court
Trial Court No. 25 CR 0020**

Judgment Affirmed

Date of Decision: October 13, 2026

APPEARANCES:

***Tyler Naud Jechra* for Appellant**

***Derek W. DeVine* for Appellee**

ZIMMERMAN, P.J.

{¶1} Defendant-appellant, William R. Stevens (“Stevens”), appeals the April 10, 2026 judgment entry of sentence of the Seneca County Court of Common Pleas. For the reasons that follow, we affirm.

{¶2} On February 20, 2025, the Seneca County Grand Jury indicted Stevens on Count One of unlawful sexual conduct with a minor in violation of R.C. 2907.04(A), (B)(3), a third-degree felony, Count Two of interference with custody in violation of R.C. 2919.23(A)(1), (D)(2), a fifth-degree felony, and Count Three of compelling prostitution in violation of R.C. 2907.21(A)(2)(a), (c), a third-degree felony. On February 25, 2025, Stevens appeared for arraignment and pleaded not guilty to the indictment.

{¶3} On March 20, 2025, under a superseding indictment, the Seneca County Grand Jury indicted Stevens on four additional counts: Count Four of corrupting another with drugs in violation of R.C. 2925.02(A)(4)(a), (C)(1)(a), a second-degree felony; Count Five of gross sexual imposition in violation of R.C. 2907.05(A)(1), (C)(1), a fourth-degree felony; Count Six of rape in violation of R.C. 2907.02(A)(2), (B), a first-degree felony; and Count Seven of sexual battery in violation of R.C. 2907.03(A)(1), (B), a third-degree felony. Stevens appeared for arraignment on March 26, 2025 and pleaded not guilty to the superseding indictment.

{¶4} On May 2, 2025, Stevens filed a motion to sever Counts One through Four and Counts Five through Seven for purposes of trial, which the State opposed. After a hearing on May 12, 2025, the trial court denied Stevens's motion on November 7, 2025.

{¶5} The case proceeded to a jury trial commencing on March 16, 2026. Prior to the start of trial, Count Seven was dismissed without prejudice. On March 18, 2026, the jury found Stevens guilty of Counts One through Six as alleged in the superseding indictment.

{¶6} On April 10, 2026, the trial court sentenced Stevens to 60 months in prison on Count One; 11 months in prison on Count Two; 30 months in prison on Count Three; a mandatory minimum term of 8 years in prison to a maximum term of 12 years in prison on Count Four; 18 months in prison on Count Five; and a mandatory minimum term of 11 years in prison to a maximum term of 16 1/2 years in prison on Count Six. The trial court ordered Stevens to serve the prison sentences imposed for Counts One, Four, Five, and Six consecutively to one another. The trial court further ordered Stevens to serve the prison sentences for Counts Two and Three concurrently to one another, and concurrently to the consecutive sentences, for an aggregate prison term of a mandatory minimum of 19 years to a maximum term of 24 1/2 years, plus a stated term of 78 months. The trial court classified Stevens as a Tier I sex offender as to Count Five, a Tier II sex offender as to Counts One and Three, and a Tier III sex offender as to Count Six.

{¶7} Stevens filed his notice of appeal on April 29, 2026. He raises a single assignment of error for our review.

Assignment of Error

The State Failed To Prove All Elements Of The Offense In Multiple Counts Against Mr. Stevens. The Evidence That Was Presented Is Insufficient To Support a Conviction And Multiple Convictions Of Mr. Stevens Are Against The Manifest Weight Of The Evidence.

{¶8} In his assignment of error, Stevens argues that his rape and compelling prostitution convictions are based on insufficient evidence and are against the manifest weight of the evidence.¹

Standard of Review

{¶9} Manifest “weight of the evidence and sufficiency of the evidence are clearly different legal concepts.” *State v. Thompkins*, 78 Ohio St.3d 380, 389 (1997). Therefore, we address each legal concept individually.

{¶10} “An appellate court’s function when 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.” *State v. Jenks*, 61 Ohio St.3d 259 (1981), paragraph two of the syllabus, *superseded by state constitutional amendment on other grounds*, *State v. Smith*, 80 Ohio St.3d 89 (1997). Accordingly,

¹ Stevens does not challenge his unlawful sexual conduct with a minor, interference with custody, corrupting another with drugs, or gross sexual imposition convictions.

“[t]he relevant inquiry is 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.” *Id.* “In deciding if the evidence was sufficient, we neither resolve evidentiary conflicts nor assess the credibility of witnesses, as both are functions reserved for the trier of fact.” *State v. Jones*, 2013-Ohio-4775, ¶ 33 (1st Dist.). *See also State v. Berry*, 2013-Ohio-2380, ¶ 19 (3d Dist.) (“Sufficiency of the evidence is a test of adequacy rather than credibility or weight of the evidence.”), citing *Thompkins* at 386.

{¶11} On the other hand, in determining whether a conviction is against the manifest weight of the evidence, a reviewing court must examine the entire record, “‘weigh[] the evidence and all reasonable inferences, consider[] the credibility of witnesses 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.’” *Thompkins* at 387, quoting *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983). A reviewing court must, however, allow the trier of fact appropriate discretion on matters relating to the weight of the evidence and the credibility of the witnesses. *State v. DeHass*, 10 Ohio St.2d 230, 231 (1967). When applying the manifest-weight standard, “[o]nly in exceptional cases, where the evidence ‘weighs heavily against the conviction,’ should an appellate court overturn the trial court’s judgment.” *State v.*

Haller, 2012-Ohio-5233, ¶ 9 (3d Dist.), quoting *State v. Hunter*, 2011-Ohio-6524, ¶ 119.

Analysis

{¶12} As an initial matter, even though the caption of Stevens’s assignment of error asserts that he is challenging the weight of the evidence supporting his rape and compelling prostitution convictions, his argument pertains only to the sufficiency of the evidence supporting those convictions. Therefore, our discussion is limited to addressing the sufficiency of the evidence supporting his rape and compelling prostitution convictions. *Accord State v. Miller*, 2019-Ohio-4121, ¶ 17 (3d Dist.). *See also State v. Dahms*, 2017-Ohio-4221, ¶ 78 (3d Dist.) (noting that “sufficiency of the evidence and manifest weight of the evidence are *different* legal concepts”).

{¶13} Beginning with Stevens’s rape conviction, R.C. 2907.02 provides, in its relevant part, that “[n]o person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.” R.C. 2907.02(A)(2). On appeal, Stevens argues his rape conviction is based on insufficient evidence because the State did not present evidence of penetration. He further asserts that the State failed to present any evidence demonstrating that he used force or the threat of force. Because Stevens limits his sufficiency challenge on appeal to the elements of sexual conduct and force or threat of force, our analysis will address only those elements.

{¶14} “Sexual conduct” includes “cunnilingus between persons regardless of sex” R.C. 2907.01(A). Even though the statute does not define cunnilingus, “this court has defined cunnilingus as ‘a sexual act committed with the mouth and the female sexual organ.’” *State v. Bower*, 2015-Ohio-1889, ¶ 8 (3d Dist.), quoting *State v. Ramirez*, 98 Ohio App.3d 388, 393 (3d Dist. 1994). Critically, “[p]enetration is not required to commit cunnilingus. Rather, the act of cunnilingus is completed by the placing of one’s mouth on the female’s genitals.” *State v. Lynch*, 2003-Ohio-2284, ¶ 86. As a result, Stevens’s argument that the State was required to prove penetration is without merit.

{¶15} Viewing the evidence in a light most favorable to the prosecution, we conclude that Stevens’s rape conviction is based on sufficient evidence. Critically, the victim expressly testified that Stevens “pulled [her] pants down and . . . started licking [her] vagina” (Mar. 16, 2026 Tr., Vol. I, at 104-105). Therefore, because placing one’s mouth on the female genitals completes the act of cunnilingus, and evidence of penetration is not required, the State presented sufficient evidence that Stevens engaged in sexual conduct. *Accord State v. Miller*, 2019-Ohio-4121, ¶ 22 (3d Dist.).

{¶16} The State also presented sufficient evidence that Stevens purposely compelled the victim to submit to the sexual conduct by force or threat of force. “Force” includes “any violence, compulsion, or constraint physically exerted by any

means upon or against a person or thing.” R.C. 2901.01(A)(1). “A victim need not prove physical resistance” for the offender to be guilty of rape. R.C. 2907.02(C).

{¶17} In addressing the force-or-threat-of-force language under the rape statute, the Supreme Court of Ohio “stated that, under R.C. 2907.02, the amount of force necessary to commit the offense ‘depends upon the age, size and strength of the parties and their relation to each other.’” *State v. Henry*, 2009-Ohio-3535, ¶ 26 (3d Dist.), quoting *State v. Eskridge*, 38 Ohio St.3d 56 (1988), paragraph one of the syllabus. ““The Supreme Court of Ohio has further clarified that ‘[a] defendant purposely compels another to submit to sexual conduct by force or threat of force if the defendant uses physical force against that person, *or* creates the belief that physical force will be used if the victim does not submit.’” (Emphasis added.) *Id.*, quoting *State v. Schaim*, 65 Ohio St.3d 51 (1992), paragraph one of the syllabus. Thus, “force is present where the ‘victim’s will [is] overcome by fear or duress’” *Id.*, quoting *Eskridge* at 59. ““A threat of force can be inferred from the circumstances surrounding sexual conduct” *Id.*, quoting *Schaim* at paragraph one of the syllabus.

{¶18} At trial, the victim (who was 13 years old at the time of the offenses in this case) testified that she “asked to go to the bathroom. And [Stevens] took [her] into the bathroom, and he didn’t leave. He stayed in the bathroom with [her] and he closed the door and he put . . . a towel down on the toilet seat.” (Mar. 16, 2026 Tr., Vol. I, at 104). She stated that she “sat down on the toilet and he . . .

pulled [her] pants down and he . . . started licking [her] vagina” (*Id.* at 104-105). Stevens’s acts of entering the bathroom, closing the door, and removing the victim’s pants constitute acts of compulsion and constraint independent of the sexual conduct itself. *See Miller*, 2019-Ohio-4121, at ¶ 34 (3d Dist.) (explaining that removing a victim’s pants and underwear satisfies the force requirement because it constitutes an act of compulsion and constraint independent of the force inherent in the crime itself). As a result, viewing this evidence in a light most favorable to the prosecution, a rational trier of fact could conclude beyond a reasonable doubt that Stevens used force or the threat of force.

{¶19} Consequently, we conclude that the State presented sufficient evidence to prove Stevens committed rape under R.C. 2907.02(A)(2).

{¶20} Having determined that Stevens’s rape conviction is based on sufficient evidence, we will turn to the sufficiency of the evidence supporting Stevens’s compelling prostitution conviction. Compelling prostitution is codified under of R.C. 2907.21, which provides, in its relevant part, that “[n]o person shall knowingly . . . “[i]nduce, procure, encourage, solicit, request, or otherwise facilitate . . . “[a] minor to engage in sexual activity for hire, whether or not the offender knows the age of the minor.” R.C. 2907.21(A)(2)(a).

{¶21} “A person acts knowingly, regardless of purpose, when the person is aware that the person’s conduct will probably cause a certain result or will probably be of a certain nature.” R.C. 2901.22(B). The Revised Code defines “sexual

activity” as “sexual conduct or sexual contact, or both.” R.C. 2907.01(C). Sexual conduct, as relevant here, includes “vaginal intercourse between a male and female” and “fellatio, and cunnilingus between persons regardless of sex” R.C. 2907.01(A).

{¶22} Even though R.C. 2907.21 does not specifically define “for hire,” “similar statutes clarify its meaning in the context of ‘sexual activity for hire.’” *State v. Coleman*, 2026-Ohio-666, ¶ 25 (4th Dist.). Specifically, the Revised Code defines “sexual activity for hire” in similar statutes as “an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.” R.C. 2907.231(A)(1) (Engaging In Prostitution); R.C. 2907.24(D) (Soliciting). While the statute does not expressly define the phrase “anything of value,” R.C. 1.03 provides that it includes money, goods, rights in action, a promise of future employment, and “[e]very other thing of value.” R.C. 1.03(A)-(I).

{¶23} On appeal, Stevens argues that his compelling prostitution conviction lacks sufficient evidence because the victim never testified that she received money or any other form of consideration in exchange for sexual activity. Specifically, he contends that, while the victim acknowledged receiving money from him at a hotel, the State failed to establish that the payment was in exchange for sexual activity.

Because Stevens challenges only the element of sexual activity for hire, we limit our analysis to that element.

{¶24} Because an agreement to engage in sexual activity for hire can be implicit, the State is not required to present direct evidence of an explicit quid pro quo. *See State v. Granberry*, 2025-Ohio-199, ¶ 55 (7th Dist.), citing *Cleveland v. Beasley*, 2010-Ohio-769, ¶ 25 (8th Dist.) (noting that the defendant need not explicitly refer to sexual activity for hire). Rather, the agreement and the nexus between the payment and the sexual activity may be established by circumstantial evidence. *See State v. Kalna*, 2020-Ohio-5016, ¶ 48 (7th Dist.). Indeed, “the State may establish the elements of a crime with direct or circumstantial evidence.” *State v. Hooper*, 2022-Ohio-2990, ¶ 19 (3d Dist.). “‘Circumstantial evidence’ is the ‘proof of facts by direct evidence from which the trier of fact may infer or derive by reasoning or other facts.’” *State v. Lawwill*, 2008-Ohio-3592, ¶ 12 (12th Dist.), quoting *State v. Wells*, 2007-Ohio-1362, ¶ 11 (12th Dist.). “Circumstantial evidence inherently possesses the same probative value as direct evidence.” *Kalna* at ¶ 48. ““Circumstantial evidence is not only sufficient, but may also be more certain, satisfying, and persuasive than direct evidence.”” *State v. Miller*, 2016-Ohio-7606, ¶ 61 (8th Dist.), quoting *State v. Hawthorne*, 2011-Ohio-6078, ¶ 9 (8th Dist.), quoting *Michalic v. Cleveland Tankers, Inc.*, 364 U.S. 325, 330 (1960). Thus, the trier of fact may infer an implicit agreement to exchange something of value for

sexual activity based on the defendant's conduct and the surrounding circumstances. *See Coleman*, 2026-Ohio-666, at ¶ 34 (4th Dist.).

{¶25} Viewing the evidence in a light most favorable to the State, a rational trier of fact could have found beyond a reasonable doubt that Stevens knowingly facilitated the victim's sexual activity for hire. At trial, the victim testified that she was 15 years old when she ran away from her father's home and went to Stevens's residence seeking a ride. When she arrived, Stevens gave her marijuana and mushrooms. They then moved to the bedroom, where they discussed why she had run away and what her plan should be. During that encounter, Stevens asked the victim for oral sex, and the victim performed oral sex on him because she "just felt like [she] needed to." (Mar. 17, 2026 Tr., Vol. II, at 257).

{¶26} The evidence did not end there. The victim testified that Stevens bought her a cell phone before they went to an out-of-state hotel. She further testified that Stevens obtained the hotel room, that they stayed there for three days while she was running away from home, and that oral sex by both parties and vaginal intercourse occurred in the hotel. She testified that Stevens "asked for" the sexual conduct and that she consented because she "felt that [she] needed to." (*Id.* at 262). Finally, she testified that Stevens's gave her \$100 or \$120 in cash before she surrendered herself to authorities.

Stevens's argument improperly isolates the cash payment from the surrounding circumstances. Rather, given the surrounding circumstances—

including Stevens providing a 15-year-old runaway with drugs, a cell phone, a hotel room, and cash while repeatedly requesting sexual acts that she felt she “needed” to perform—a jury could reasonably infer an implicit agreement that Stevens was exchanging things of value for sexual activity. *Compare Coleman*, 2026-Ohio-666, at ¶ 34 (4th Dist.). Therefore, we conclude that the State presented sufficient evidence to prove Stevens committed compelling prostitution under R.C. 2907.21(A)(2)(a).

{¶27} Accordingly, Stevens’s rape and compelling prostitution convictions are based on sufficient evidence.

{¶28} Stevens’s assignment of error is overruled.

{¶29} Having found no error prejudicial to the appellant herein in the particulars assigned and argued, we affirm the judgment of the trial court.

Judgment Affirmed

WILLAMOWSKI and WALDICK, J.J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignment of error is overruled and it is the judgment and order of this Court that the judgment of the trial court is affirmed with costs assessed to Appellant for which judgment is hereby rendered. The cause is hereby remanded to the trial court for execution of the judgment for costs.

It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket. *See* App.R. 30.

William R. Zimmerman, Judge

John R. Willamowski, Judge

Juergen A. Waldick, Judge

DATED:
/hls