

**IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
DELAWARE COUNTY, OHIO**

IN RE A.H.

Case No. 25 CAF 10 0096

Opinion and Judgment Entry

Appeal from the Court of Common Pleas,
Juvenile Division, Case No. 24-08-1671-DL

Judgment: Affirmed

Date of Judgment Entry: August 26, 2026

BEFORE: Andrew J. King; Robert G. Montgomery; Kevin W. Popham, Judges

APPEARANCES: WILLIAM T. CRAMER, for Plaintiff-Appellant; MELISSA SCHIFFEL, KATHERYN L. MUNGER, for Defendant-Appellee.

King, P.J.

{¶ 1} A.H., a delinquent child, appeals the October 16, 2025 judgment of delinquency of the Delaware County Court of Common Pleas Juvenile Division. Plaintiff-Appellee is the State of Ohio. We affirm the trial court.

Facts and Procedural History

{¶ 2} A.H. and the victim, Jane Doe, are half-sisters. Father and his fiancée A.B. have two children in common, including Doe. Father also has two children from a prior relationship including A.H. In 2024, A.H. and her sibling stayed with father and A.B. 50% of the time. A.H. was thirteen years old and Doe was six. A.H. and Doe got along well.

{¶ 3} The family lived in a two-bedroom apartment with one bathroom. The girls occasionally showered together, but in summer of 2024 A.B. noticed that behavior had

become more frequent. On July 28, 2024, the family returned home from an outing. A.H. and Doe had been arguing, which was not typical. A.B. directed the girls to shower and get ready for bed. She directed the A.H. to shower first, but Doe got in first instead. A.H. joined her. A.B. heard the girls in the shower and thought it was odd since they had just been arguing.

{¶ 4} Once the girls were out of the shower, A.B. asked Doe if anything inappropriate was going on. Doe told A.B. that A.H. was touching her private parts, but had told her not to tell. Doe demonstrated with her hand as to how A.H. had touched her private parts. A.B. and father confronted A.H. who at first, denied the allegation, and then admitted.

{¶ 5} A.B. and father contacted law enforcement and were directed to take Doe to Nationwide Children's Hospital for a forensic interview. Doe was seen by forensic interviewer Hope Williams. Doe explained what happened in graphic detail. Doe then had a physical exam with Dr. Tscholl. The exam was normal.

{¶ 6} Father took A.H. to the Delaware City Police Department. Detective Madden interviewed A.H. Detective Madden advised A.H. of the allegations against her and A.H. agreed that Doe had alleged those things. A.H.'s mother showed up near the end of the interview after which A.H. denied anything had happened.

{¶ 7} On August 21, 2024, Detective Madden filed two complaints in the Delaware County Juvenile Court, the first alleging A.H. was delinquent by reason of rape of a child under the age of 10, and the second alleging A.H. was delinquent by reason of gross sexual imposition involving a child under the age of 10. In November 2024, Madden filed amended complaints charging an additional count of rape and modifying the alleged dates. In February 2025, the rape counts were amended to modify the alleged dates.

{¶ 8} A.H. denied the allegations and in December 2024 moved for a competency evaluation. In January, 2025, A.H. was found competent.

{¶ 9} On April 3 and 16, 2025, an adjudication hearing took place wherein the above outlined facts were presented by the State. A.H. testified on her own behalf. She testified that she had only admitted to the allegation due to pressure from father and because he threatened she would go to the juvenile detention center if she did not admit the allegations.

{¶ 10} At the conclusion of testimony, the trial court took the matter under advisement. On May 16, 2025, via judgment entry, the trial court adjudicated A.H. delinquent by reason of two counts of rape and one count of gross sexual imposition. At a later dispositional hearing, the trial court imposed a term of legal custody to the Department of Youth Services for six months and up to the age of 21. The court suspended that term and placed A.H. on community control with various conditions. A.H. was further classified as a Tier I sex offender.

{¶ 11} A.H. filed an appeal and the matter is now before this court for consideration. She raises one assignment of error as follows:

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{¶ 12} "THE ADJUDICATION OF DELINQUENCY WAS NOT SUPPORTED BY THE WEIGHT OF THE EVIDENCE."

{¶ 13} In her sole assignment of error, A.H. argues her delinquency adjudication is against the manifest weight of the evidence. We disagree.

Standard of Review

{¶ 14} A review of the sufficiency of the evidence and a review of the manifest weight of the evidence are separate and legally distinct determinations. *State v. Thompkins*, 78 Ohio

St.3d 380, 387(1997) "While the test for sufficiency requires a determination of whether the State has met its burden of production at trial, a manifest weight challenges questions whether the State has met its burden of persuasion." *Id.* at 390.

{¶ 15} An appellate court applies the same manifest weight standard of review in a juvenile delinquency case that it applies in an adult criminal appeal. *Matter of T.S.*, 2022-Ohio-975, ¶ 26 (5th Dist.), citing *In re E.A.*, 9th Dist. Summit No. 28106, 2016-Ohio-7281, ¶ 11. On review for manifest weight, a reviewing court is to 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 [finder 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." *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist.1983). See also, *State v. Thompkins*, 78 Ohio St.3d 380 (1997). The granting of a new trial "should be exercised only in the exceptional case in which the evidence weighs heavily against the conviction." *Martin* at 175.

A.H's Arguments

{¶ 16} A.H. was found delinquent by reason of two instances of rape and one instance of gross sexual imposition. A.H. does not allege the state failed to produce evidence of any of the elements of either offense. Rather, she argues the evidence produced by the State lacked credibility.

{¶ 17} A.H first points out that Doe's physical exam was normal. However, given the allegations of digital penetration and mouth-to-breast touching, Dr. Tscoll testified she would not expect to find any physical evidence. Transcript of trial (T.) at 184-185. A.H. additionally faults Hope Williams, the forensic examiner, for failing to ask Doe questions to determine

whether she knew the difference between telling the truth and telling a lie. Finally, A.H. alleges her interview with Detective Madden was unduly coercive and that Madden prevented A.H.'s mother from seeing her.¹

{¶ 18} While the trial court certainly heard this evidence, the trial court also viewed the content of Doe's forensic interview with Hope Williams. We note that Doe described what happened in graphic detail, far beyond the knowledge of a six-year old. She stated A.H. was "doing things that were inappropriate," "grabbed my hand and put it in her peepee," and used her hand to touch Doe's "peepee." Doe demonstrated how her sister moved her hand when touching Doe's vagina by moving her pointer finger up and down. She stated it felt "ticklish and funny." Doe reported that when her sister made her digitally penetrate her vagina in the same manner, she told Doe she was doing "what boys do to girls," and asked Doe to "flick" her private parts. Doe stated when she put her finger in her sister's "peepee" it was "wet and gooey" and that when she removed her finger, there was something "white" on it which she removed by flicking her finger. Doe additionally said her sister made her "lick her boobies" and "suck on it like a baby." State's exhibits A, B1-B12. Finally, Doe stated A.H. told her not to tell or she would never play with Doe again. State's Exhibit A. When Doe did tell and after her parents confronted A.H., A.H. "cried all the way to her room" and told Doe "that's your fault." Id.

{¶ 19} Even without considering any other evidence, including A.H.'s interview with Detective Madden, given its graphic and detailed nature Doe's forensic interview standing alone established A.H.'s delinquency beyond a reasonable doubt. Indeed, the trial court's judgment entry indicates Doe's interview "is among the most troubling, and most impactful

¹ We note A.H. did not file a motion to suppress.

child victim interviews that the Court has seen in the more than two and a half decades of handling juvenile delinquency matters." Judgment Entry, May 16, 2025 at 16. We agree. Accordingly, we find this is not an exceptional case in which the evidence weighs heavily against a conviction, and the trial court did not lose its way in finding Doe delinquent by reason of two counts of rape and one count of gross sexual imposition.

{¶ 20} The sole assignment of error is overruled, and the judgment of the Delaware County Court of Common Pleas is affirmed.

{¶ 21} Costs to Appellant.

By: King, P. J.

Montgomery, J. and

Popham, J. concur.