[Cite as *State v. Hawley*, 2026-Ohio-4411.]

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
FAIRFIELD COUNTY, OHIO

STATE OF OHIO, Plaintiff - Appellee -vs- RICK EUGENE HAWLEY, Defendant - Appellant	Case No. 26 CA 018 Opinion & Judgment Entry Appeal from the Court of Common Pleas of Fairfield County, Case No. 2025 CR 301 Judgment: Affirmed Date of Judgment: November 6, 2026

BEFORE: Andrew J. King, Robert G. Montgomery, and David M. Gormley, Judges

APPEARANCES: R. Kyle Witt (Fairfield County Prosecuting Attorney) and Sarah A. Hill (Assistant Prosecuting Attorney), Lancaster, Ohio, for Plaintiff-Appellee; W. Joseph Edwards, Columbus, Ohio, for Defendant-Appellant.

Gormley, J.

{¶1} Defendant Rick Hawley was found guilty by a jury on multiple sex-offense charges. He argues here that the trial court wrongly allowed jurors at his trial to watch recorded pretrial interviews of the two children and one young adult who were the alleged victims of the crimes at issue in the case. Because those three persons testified at the trial, and because a well-recognized hearsay exception permits the admission of out-of-court statements like those on the pretrial recordings, we affirm the trial court's judgment.

The Key Facts

{¶2} After two children and one young adult told family members and law-enforcement officers that Hawley had sexually abused them, those three young people were each interviewed separately by staff members at a child-advocacy center in Lancaster. Those interviews were recorded on video.

{¶3} Hawley was then indicted on several sex-offense charges. At his jury trial on the charges, the child-advocacy center's forensic interviewers who had interviewed the three alleged victims testified, and during that testimony, the State played for the jurors the recorded child-advocacy-center interviews of those three alleged victims. Afterwards, as the trial continued, all three of the alleged victims testified as well.

{¶4} The jury found Hawley guilty on the charges, and the trial judge imposed a sentence in the case. Hawley now appeals.

Because the Alleged Victims Testified at the Trial, No Confrontation-Clause Violation Occurred

{¶5} As the U.S. Constitution's Sixth Amendment tells us, Hawley of course had a right at his criminal trial to "be confronted with the witnesses against him." That right was violated, he claims, because the jurors at his trial were allowed to see and hear the out-of-court recorded interviews of the three alleged victims.

{¶6} Yet because those three persons also testified at the trial, Hawley's argument is a nonstarter, as our court and numerous others have explained time and again in similar cases. *See, e.g., State v. Carbaugh*, 2023-Ohio-1269, ¶ 68 (5th Dist.) (where the alleged victim in a sex-offense prosecution "testified at trial" and was "therefore available for cross-examination concerning statements she made during the forensic interview" at a child-advocacy center, the defendant "was not denied his right to confrontation"); *State v. Hardy*, 2024-Ohio-5926, ¶ 35 (10th Dist.) ("the admission of a child's statements in a forensic interview or testimony about a child's statements in a forensic interview does not violate the Confrontation Clause when the child testifies at trial and is subject to cross-examination"); *State v. Volpi*, 2023-Ohio-4488, ¶ 88 (11th Dist.) (where a defendant at his criminal trial had a full opportunity to cross-examine both minor victims of his alleged sexual assaults, the admission of recordings of

statements made by those victims during forensic interviews did not violate the defendant's rights under the Confrontation Clause); *State v. Louis*, 2016-Ohio-7596, ¶ 51 (4th Dist.) (the admission of recorded interviews of the alleged victims in a sex-offense prosecution did not violate the defendant's constitutional right to confront the witnesses against him, given that those victims testified at trial and were subject to cross-examination about the statements they had made in their interviews); *Crawford v. Washington*, 541 U.S. 36, 59 fn. 9 (2004) ("The [Confrontation] Clause does not bar admission of a statement so long as the declarant is present at trial to defend or explain it").

The Recorded Forensic Interviews Were Admissible Under the Hearsay Exception for Statements Made for Purposes of Medical Diagnosis or Treatment

{¶7} Likewise, any suggestion by Hawley that the hearsay rule barred the admission of the alleged victims' recorded interviews falls short. As long as any statements made by those two children and one young adult were — in the words of Evidence Rule 803(4) — "made for purposes of medical diagnosis or treatment," that rule's hearsay exception for statements of that type would have eliminated any hearsay concerns.

{¶8} Testimony at Hawley's trial showed that the interviews of the alleged victims at a child-advocacy center were in fact conducted to help the staff there learn — as one of the forensic interviewers told jurors — what "medical or mental health" treatment the three young people might need. A sexual-assault nurse examiner "watches each interviewer," that same child-advocacy-center staff member explained, and then the nurse determines whether a medical exam or any testing should be conducted, whether a referral to a mental-health counselor is warranted, or whether other steps should be taken. Based on the interviews in this case, a nurse who testified explained that she recommended that one of the alleged victims be tested for a sexually transmitted disease.

{¶9} Courts have repeatedly found that the admission of out-of-court statements like those on the recorded interviews in this case is permitted under Evidence Rule 803(4)'s hearsay exception for statements made for purposes of medical diagnosis or treatment. *See, e.g., State v. J.L.S.*, 2026-Ohio-363, ¶ 108 (10th Dist.) ("Evid.R. 803(4) applies when a child provides a child advocacy center employee with information that is necessary for medical treatment or diagnosis") (quotations omitted); *State v. Aponte-Rodriguez*, 2025-Ohio-2631, ¶ 38 (7th Dist.) ("A child victim's statements made to social workers and Child Advocacy Center medical professionals for the purpose of facilitating medical diagnosis or treatment are generally admissible under the Evid.R. 803(4) medical exception to the hearsay rule in sexual abuse cases"); *State v. Sims*, 2023-Ohio-1179, ¶ 78 (4th Dist.) ("statements that identify a defendant as the perpetrator of a crime, where the defendant touched the victim, and how sexual contact occurred ordinarily are statements obtained for medical diagnosis and treatment"); *State v. Taylor*, 2015-Ohio-2513, ¶ 44 (8th Dist.) ("statements regarding the identity of the perpetrator, the type of abuse alleged, the time frame of the alleged abuse, and the identification of the areas where the child had been touched, were all for medical diagnosis").

{¶10} Hawley has not identified in his appellate brief the questions and answers from the recorded interviews that he believes were not covered by the hearsay exception for statements made for purposes of medical diagnosis or treatment. He instead urges us to find that the trial judge should have barred entirely the playing of the recordings at the trial because in Hawley's view the interviews had nothing to do with medical diagnosis or treatment. That all-or-nothing approach is not a winner for him. *See State v. Snyder*, 2025-Ohio-4444, ¶ 164 (1st Dist.) (while defendants may challenge a trial court's admission of "specific statements

in a forensic interview as not constituting statements made for medical diagnosis and treatment," where an appellant "fails to challenge specific statements, this court need not parse through the interviews to determine which statements were properly admitted"); *Sims* at ¶ 82 (where an appellant has not cited "specific parts of the nurses' testimony that appellant believes fall outside of the Evid.R. 803(4) medical-diagnosis-or-treatment exception, we need not parse the testimony to determine whether the trial court properly admitted each statement").

{¶11} Our own review of the out-of-court interviews leads us to conclude that the alleged victims' out-of-court statements to which Hawley objected at trial were made in response to questions that were indeed intended to determine whether the three young people needed any medical or mental-health treatment.

{¶12} For these reasons, the judgment of the Court of Common Pleas of Fairfield County is affirmed. Costs are to be paid by appellant Rick Hawley.

By: Gormley, J.;

King, P.J. and

Montgomery, J. concur.