

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

STATE OF OHIO,	:	APPEAL NO. C-170131
	:	TRIAL NO. B-9704868
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
JOSE LUIS HERNANDEZ,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Following a hearing, the trial court adjudicated Jose Luis Hernandez to be a sexual predator pursuant to former R.C. Chapter 2950. In one assignment of error, Hernandez asserts that the trial court erred in weighing the evidence, and determining that he was “likely to reoffend.” *See State v. Eppinger*, 91 Ohio St.3d 158, 163, 743 N.E.2d 881 (2001). We find no error.

Hernandez admitted that he sexually abused his victim approximately three times a week from the time she was 8-years-old until she was 16. Other evidence presented at the sexual predator hearing suggested that the abuse began when Hernandez’s victim was 4- years-old. Hernandez claims that, even in light of his 8- to 12- year history of sexually abusing a young girl multiple times a week, the statutory factors under former R.C. 2950.01(B)(3)(a)-(j) weigh against a sexual predator

adjudication. Hernandez points to his somewhat advanced age, a Court Clinic “Static-99” test-result that placed him in a low-risk category of reoffending, his clean record while in prison, and several other factors that suggested a lesser probability of his reoffending.

Here, the court indicated that it thoroughly reviewed all of the evidence and determined that due to the young age of the victim and the on-going nature of the abuse, Hernandez was likely to reoffend. We hold that the trial court’s determination was not against the manifest weight of the evidence. *See Eastley v. Volkman* 132 Ohio St.3d 328, 2012-Ohio-2179, 972 N.E.2d 517; *State v. Morales*, 153 Ohio App.3d 635, 2003-Ohio-4200, 795 N.E.2d 145 (1st Dist.). Hernandez’s sole assignment of error is overruled.

The trial court’s judgment is affirmed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**CUNNINGHAM, P.J., MILLER and DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on December 27, 2017

per order of the court \_\_\_\_\_.  
Presiding Judge