

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

STATE OF OHIO,	:	APPEAL NO. C-061075
	:	TRIAL NO. B-0605017
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
YENER SANCHEZ,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant Yener Sanchez pled guilty to raping a child under the age of 13, in violation of R.C. 2907.02(A)(1)(b). In exchange for his plea, the state dismissed a second count of rape, and the trial court imposed an agreed sentence of three years in prison. Following a sexual-offender-classification hearing, the trial court adjudicated Sanchez a sexual predator.

Sanchez now appeals his sexual-predator adjudication. In a single assignment of error, he argues that the adjudication was against the manifest weight of the evidence.

In reviewing the factors in R.C. 2950.09(B)(3), the trial court considered that Sanchez was 20 years old at the time he raped the 12-year-old victim. The court noted that his first contact with the victim had occurred when she was nine years old, which demonstrated his sexual interest in children.

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

The court also noted that Sanchez's score on a Static-99 test indicated a moderate-to-high risk for reoffending. The court was concerned that Sanchez had a substance-abuse problem, noting that he had provided conflicting information on the subject. For instance, Sanchez had reported that he seldom drank alcohol, yet he had gone to a church for help with his drinking problem.

The court was most concerned about Sanchez's attitude toward sexual conduct with children. The court noted that Sanchez had pursued a relationship with the 12-year-old victim after having been warned that it was improper. And Sanchez had removed the victim from school on two occasions to have sex with her. At no time did Sanchez appear to the court to be remorseful for his actions or to understand that having sex with a 12-year-old child was wrong.

Because competent, credible evidence supported the trial court's sexual-predator determination, we must affirm it.² Accordingly, we overrule the assignment of error and affirm the judgment of the trial court.

Further, 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.

HILDEBRANDT, P.J., HENDON and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on November 7, 2007
per order of the Court _____
Presiding Judge

² *State v. Wilson*, 113 Ohio St.3d 382, 2007-Ohio-2202, 865 N.E.2d 1264, syllabus.