

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

STATE OF OHIO,	:	APPEAL NO. C-080308
	:	TRIAL NO. B-0708815
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
ANTHONY KIRKLAND,	:	
	:	
Defendant-Appellant.	:	

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

Defendant-appellant, Anthony Kirkland, appeals the judgment of the Hamilton County Court of Common Pleas convicting him of importuning. He was convicted after a bench trial.

When the victim was 13 years old, Kirkland was her mother's live-in boyfriend. The victim testified that, one afternoon, Kirkland had entered her bedroom with his pants down. She told him to get out of her room, and he complied.

Kirkland then returned to the victim's room, again with his pants down. This time, he gave her a note in which he offered to pay her if she would permit him to perform oral sex on her. She refused, but he came back a short time later and left five dollars on her dresser.

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

A friend of the victim testified that he had spoken with the victim on the telephone on the day of the alleged offense. He testified that, during the call, the victim had said that “someone was messing with her.” He also testified that he had heard the victim tell someone to “get out.”

Kirkland did not present any evidence at trial. The court found him guilty and sentenced him to a one-year prison term. In a single assignment of error, Kirkland now argues that the conviction was against the manifest weight of the evidence.

To reverse a conviction on the manifest weight of the evidence, a reviewing court must review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and conclude that, in resolving the conflicts in the evidence, the trier of fact clearly lost its way and created a manifest miscarriage of justice.<sup>2</sup>

The importuning statute, R.C. 2907.07(B), provides that “[n]o person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, and the other person is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of the other person.”

In this case, the conviction was in accordance with the evidence. The victim testified that Kirkland had asked her to permit him to perform oral sex on her, and he had brought money to her room as an apparent inducement for the sexual conduct. The victim’s friend corroborated that testimony by repeating what the

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<sup>2</sup> *State v. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541.

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victim had said on the day of the offense. In light of that evidence, we cannot say that the trial court lost its way in finding Kirkland guilty. 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., PAINTER and DINKELACKER, JJ.**

*To the Clerk:*

Enter upon the Journal of the Court on March 18, 2009  
per order of the Court \_\_\_\_\_.  
Presiding Judge