

2013 Cop Pedophile Randy Spencer

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A man found guilty of repeatedly raping a 5-year-old girl lost his appeal this week when the 3rd District Court of Appeals ruled that the trial court did not err by letting the girl testify.

Randy Spencer appealed his four rape convictions from the Marion County Court of Common Pleas, alleging among other things that the trial court should not have allowed a 5-year-old to take the stand.

The three-judge appellate panel, however, found that the trial court properly verified the girl's competence and understanding of truth and lies. It therefore affirmed Spencer's convictions.

Spencer's case stemmed from 5-year-old L.N.'s allegations that he put his "pee-pee" in her mouth on several occasions.

The state presented evidence that Spencer lived with his girlfriend Katie Currier and her four children at the time of the alleged offenses.

Katie was operating a daycare center out of her home and babysat L.N.

Spencer was a former Marion County Sheriff's Deputy and was working second-shift as a corrections officer.

In 2012, Katie started a part-time job that took her out of the home one day a week.

L.N.'s mother, Kim, gave Katie permission to leave L.N. with Spencer during those times and when Katie ran errands.

Kim testified that she was giving L.N. a bath in April 2013 when L.N. told her that Spencer sometimes put his "pee-pee" in her mouth.

She told the court that L.N. told her it happened "every once in a while" when Katie was out of the house.

According to Kim, L.N. told her the more recent occurrence was after Spencer and Katie took her to Buffalo Wild Wings for lunch during the previous week.

L.N. reportedly told Kim that after lunch Spencer put his "pee-pee" so far down her throat that she

vomited. She described the “pee-pee” as having bloody lines, which Kim took to mean veins.

Kim then called Katie and relayed the information and told Katie she was taking L.N. to the hospital.

At the hospital, the staff told Kim their services were limited and advised her to contact the sheriff.

Kim immediately called the Marion County Sheriff’s Office and took L.N. in to make a statement.

Both Kim and L.N. spoke to Deputy Stacy Johnston.

Johnston’s interview with the girl was recorded and shown to the jury.

The defense argued that the interview was improper because Kim was present and Johnston used limited incorrect techniques for interviewing a child.

The state however, indicated that Johnston’s interview was limited and Kim did not interfere with her daughter’s answers.

L.N. was then interviewed at the Child Assessment Center at Nationwide Children’s Hospital where she was alone with her interviewer.

During both interviews, L.N. explained that she was alone in the house with Spencer after lunch because Katie went tanning.

She said Spencer put his penis in her mouth, referring to it as a toothbrush or a hot dog. However, she said she knew it was not a hot dog because it had “bloody cracks” on it.

The state presented testimony from other experts who testified that it would be difficult to coach such a young child to give consistent testimony in such detail.

They also indicated that L.N.’s description of bloody cracks could be consistent with veins or blood vessels, both terms a 5-year-old would not know.

L.N. also testified and indicated to the court that Spencer put his pee-pee in her mouth and told her to suck on it.

She said it happened more than once and described the areas of the house where it took place.

She also said after the lunch incident Spencer told her to let go just before she threw up.

In his own defense, Spencer testified that L.N. threw up that day and he asked her if she was OK.

He said she smiled and said she must have eaten too many french fries. He denied ever showing her his penis.

The defense counsel also asked L.N. if she only threw up because of the fries and she replied in the affirmative.

However, the state clarified that by asking L.N. if Spencer put his pee-pee in her moth prior to her throwing up. She said that he had, and then she threw up her fries.

The jury found Spencer guilty of four counts of rape along with a specification that his victim was less than 10 years of age. The trial court sentenced him to a total of 15 years to life in prison.

On appeal, Spencer first argued that he was prejudiced when the court improperly allowed L.N. to testify.

He said she should not have been permitted because she showed some confusion during her competency hearing.

While the appellate panel found that L.N.'s initial response demonstrated that she appeared not to understand the difference between the truth and a lie, they determined that further questioning clarified the matter.

During a conversation with the prosecutor, L.N. indicated that she knew lying was bad and she would get in trouble for it.

She said she knew the prosecutor only wanted her to tell the truth and she understood that it was bad if someone got in trouble because she didn't tell the truth.

"Therefore, we conclude that L.N. exhibited sufficient ability to receive, recall and communicate accurate impressions of fact, understand truth and falsity and appreciate the responsibility to tell the truth as required under Evid.R. 601(A). Accordingly, we do not find the trial court abused its discretion in finding L.N. competent to testify," Judge Stephen Shaw wrote for the 3rd District.

Spencer next argued that his convictions were against the manifest weight of the evidence because L.N. was inconsistent in her testimony.

Specifically, because she told the court she only threw up because of the french fries.

"In extracting these specific statements made by L.N. from the entire transcript, Spencer is attempting to detract attention from the fact that both at trial and during the two prior interviews, 5-year-old L.N. consistently related specific details of the sexual abuse," Shaw stated.

The judges mentioned the notable details that carried over to each interview, including the timing, the location and the "bloody cracks."

They then held that witness credibility should be determined by the jury and ruled that in this case the jury had not clearly lost its way in believing L.N.

Spencer also asserted that the trial court made statements in the presence of the jury that denied him a fair trial.

The district court agreed that the statements were “certainly annoying to trial counsel” but found that they were only made to prevent counsel from mischaracterizing witness statements.

“In this regard, we note that many of the trial court’s sua sponte interjections involved the prosecution’s examination of a witness as well as examinations by defense counsel,” Shaw wrote.

Finding no errors in the lower court’s proceedings, judges Vernon Preston and John Willamowski joined Shaw in affirming that court’s judgment of conviction.

The case is cited State v. Spencer, 2015-Ohio-52.

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