

SUPREME COURT OF KENTUCKY

Airan Hernandez Mendez v. Commonwealth of Kentucky

Hernandez Mendez · No. 2024-SC-0501-MR · Decided December 18, 2025

SUMMARY

The Supreme Court of Kentucky affirms Airan Hernandez Mendez’s convictions for first-degree sodomy, first-degree sexual abuse, and distribution of obscene matter to a minor. The court rejects challenges concerning testimony about delayed disclosures and medical observations, the sufficiency of evidence supporting the obscenity charge, notice and admissibility of other-bad-acts evidence, and the denial of lesser-included-offense instructions.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Nickell; Chief Justice Lambert; Justice Bisig; Justice Goodwine; Justice Keller; Justice Thompson; Justice Conley
JURISDICTION	Supreme Court of Kentucky
DECIDED	December 18, 2025
DOCKET	2024-SC-0501-MR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal as a matter of right from convictions and sentence entered by the Jefferson Circuit Court.
STANDARD OF REVIEW	Evidentiary rulings and rulings on KRE 404(b) evidence are reviewed for abuse of discretion. A directed-verdict ruling in a criminal case is reviewed under whether, viewing the evidence as a whole in the light most favorable to the Commonwealth, it would be clearly unreasonable for a jury to find guilt. The decision whether to give a lesser-included-offense instruction is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion; precedential.
PARTIES	Airan Hernandez Mendez v. Commonwealth of Kentucky

TOPICS

- criminal procedure
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether testimony by Detective Rusch concerning delayed disclosure investigations constituted inadmissible child sexual abuse accommodation syndrome evidence.
2. Whether the treating physician's testimony concerning her observations, treatment decisions, and the absence of visible injuries violated Kentucky Rules of Evidence 701 or 702.
3. Whether the Commonwealth presented sufficient evidence to defeat Hernandez Mendez's motion for a directed verdict on distribution of obscene matter to a minor.
4. Whether the trial court properly admitted evidence of Hernandez Mendez's physical abuse, drugging of the children's mother, and preferential treatment of M.R. under KRE 404(b), and whether notice was reasonable under KRE 404(c).
5. Whether the jury should have been instructed on first-degree sexual abuse as a lesser-included offense of first-degree sodomy.

HOLDINGS

1. The testimony was not impermissible child sexual abuse accommodation syndrome evidence because it described investigative and evidence-collection methods in delayed-disclosure cases and did not compare M.R. to other victims, opine on her credibility, or infer that she was abused based on a syndrome.
2. The trial court did not abuse its discretion by permitting Dr. Anderson to testify as a treating physician concerning her personal observations, treatment decisions, and limited anatomical opinions; the testimony did not improperly evade expert-reliability requirements.
3. The trial court properly denied the directed-verdict motion because M.R.'s description of sexually explicit videos, together with Detective Rusch's testimony that seized devices contained pornographic images and videos, constituted more than a mere scintilla of evidence and made a guilty verdict not clearly unreasonable.
4. The trial court properly admitted evidence of physical abuse, drugging the children's mother, and preferential treatment of M.R. because the evidence provided relevant, probative, and necessary context for the charged offenses rather than merely proving propensity, and the Commonwealth's discovery disclosures and pretrial notice satisfied KRE 404(c)'s reasonable-notice requirement.
5. The trial court properly refused to instruct the jury on first-degree sexual abuse as a lesser-included offense of first-degree sodomy because the evidence did not support a reasonable finding of sexual abuse without sodomy, and penetration is not required for first-degree sodomy under Kentucky law.

KEY QUOTATIONS

“Her testimony was not improper and cannot be characterized as having a propensity to “invade the province of the jury by unduly influencing its assessment of credibility.”” (at 6)

“If the evidence is sufficient to induce a reasonable juror to believe beyond a reasonable doubt that the defendant is guilty, a directed verdict should not be given.” (at 10)

“The evidence of his prior physical abuse was not introduced to prove Hernandez Mendez’s character or for any other improper purpose.” (at 15)

“Based on the evidence presented, there was insufficient proof to support an instruction regarding the lesser charges.” (at 19)

FACTUAL BACKGROUND

Hernandez Mendez lived with his girlfriend and her five-year-old twin daughters, M.R. and D.R. According to M.R., he repeatedly sexually abused her in the basement while her mother was asleep, threatened and physically abused the children and their mother, and showed M.R. sexually explicit videos. After M.R. disclosed the abuse, police obtained a search warrant and recovered electronic devices and storage media containing pornographic images and videos. The jury convicted Hernandez Mendez of the charged sexual offenses and distribution of obscene matter to a minor.

PROCEDURAL HISTORY

A Jefferson County jury convicted Hernandez Mendez of three counts of first-degree sodomy, two counts of first-degree sexual abuse, and one count of distributing obscene matter to a minor, while acquitting him of intimidating a participant in a legal proceeding. The trial court imposed the jury's recommended twenty-year sentence. Hernandez Mendez appealed, challenging evidentiary rulings, denial of a directed verdict, admission of other-bad-acts evidence, and refusal to give lesser-included-offense instructions.

DISPOSITION

affirmed

CASES CITED

- Newkirk v. Commonwealth, 937 S.W.2d 690 (Ky. 1996)
- Kurtz v. Commonwealth, 172 S.W.3d 409 (Ky. 2005)
- Miller v. Commonwealth, 77 S.W.3d 566 (Ky. 2002)
- Khani v. Alliance Chiropractic, 456 S.W.3d 802 (Ky. 2015)
- Kemper v. Gordon, 272 S.W.3d 146 (Ky. 2008)
- Dixon v. Commonwealth, 149 S.W.3d 426 (Ky. 2004)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)
- Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999)
- McDaniel v. Commonwealth, 415 S.W.3d 643 (Ky. 2013)
- Commonwealth v. Benham, 816 S.W.2d 186 (Ky. 1991)
- Taylor v. Commonwealth, 617 S.W.3d 321 (Ky. 2020)
- Southworth v. Commonwealth, 435 S.W.3d 32 (Ky. 2014)

- Riggle v. Commonwealth, 686 S.W.3d 105 (Ky. 2023)
- Bell v. Commonwealth, 875 S.W.2d 882 (Ky. 1994)
- Matthews v. Commonwealth, 163 S.W.3d 11 (Ky. 2005)
- Adkins v. Commonwealth, 96 S.W.3d 779 (Ky. 2003)
- Leach v. Commonwealth, 571 S.W.3d 550 (Ky. 2019)
- Commonwealth v. English, 993 S.W.2d 941 (Ky. 1999)
- Applegate v. Commonwealth, 577 S.W.3d 83 (Ky. App. 2018)
- Milby v. Mears, 580 S.W.2d 724 (Ky. 1979)
- Turner v. Commonwealth, 544 S.W.3d 610 (Ky. 2018)
- Holland v. Commonwealth, 114 S.W.3d 792 (Ky. 2003)
- Sanders v. Commonwealth, 301 S.W.3d 497 (Ky. 2010)
- Stieritz v. Commonwealth, 671 S.W.3d 353 (Ky. 2023)
- Exantus v. Commonwealth, 612 S.W.3d 871 (Ky. 2020)
- Sargent v. Shaffer, 467 S.W.3d 198 (Ky. 2015)
- Hulan v. Commonwealth, 634 S.W.2d 410 (Ky. 1982)
- Miller v. Commonwealth, 283 S.W.3d 690 (Ky. 2009)
- Bills v. Commonwealth, 851 S.W.2d 466 (Ky. 1993)