

“Gary Phelps heretofore on or before the 12th day of December, 1989, in the County and State aforesaid did unlawfully sexually penetrate [victim’s name], a child less than thirteen (13) years of age at the time of the commission of this offense, in violation of TCA 39-13-502.”

“ . . . on or before the 12th day of December, 1989, in the County and State aforesaid, the said Gary Phelps, did [sic] unlawfully and with force or coercion, did have unlawful sexual contact with [victim’s name], a child under the age of thirteen (13) years of age, in violation of TCA 39-13-505.”

Applying the Hill analysis to this indictment, the appellant’s claim fails.

The judgment of the trial court is affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals. It appearing that the appellant is indigent, costs shall be taxed to the state.

So ordered. Enter:

JOE G. RILEY, JUDGE

CONCUR:

PAUL G. SUMMERS, JUDGE

L.T. LAFFERTY, SENIOR JUDGE