

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

APRIL 1999 SESSION

FILED
June 17, 1999
Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,)
)
 Appellee,)
)
 v.)
)
 CHARLES ALLEN MEDLOCK,)
)
 Appellant.)

No. 02C01-9806-CC-00186
Henry County
Honorable Julian P. Guinn, Judge
(Aggravated sexual battery)

For the Appellant:

Guy T. Wilkinson
District Public Defender
and
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For the Appellee:

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OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joseph M. Tipton
Judge

OPINION

The defendant, Charles Allen Medlock, appeals as of right from his conviction by a jury in the Henry County Circuit Court for three counts of aggravated sexual battery, a Class B felony. The defendant was sentenced as a Range I, standard offender to three concurrent, eight-year sentences to be served in the custody of the Department of Correction and was fined twenty-five thousand dollars for each conviction. The defendant contends that the evidence is insufficient to support his convictions because the victims' testimony at trial was inconsistent. We affirm the judgment of the trial court pursuant to Rule 20, Tenn. Ct. Crim. App. R.

Our standard of review when the sufficiency of the evidence is questioned on appeal is "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." Jackson v. Virginia, 443 U.S. 307, 319, 99 S. Ct. 2781, 2789 (1979). This means that we do not reweigh the evidence but presume that the jury has resolved all conflicts in the testimony and drawn all reasonable inferences from the evidence in favor of the state. See State v. Sheffield, 676 S.W.2d 542, 547 (Tenn. 1984); State v. Cabbage, 571 S.W.2d 832, 835 (Tenn. 1978).

Aggravated sexual battery, as applied in the present case, is the unlawful sexual contact with a victim by the defendant or the defendant by the victim, and the victim is less than thirteen years of age. Tenn. Code Ann. § 39-13-504(a)(4). Viewed in the light most favorable to the state, the evidence sufficiently supports the convictions. The inconsistencies in the victims' testimony relate to inconsequential matters.

The victims are the defendant's grandchildren. The male victim, who was seven years old at the time of the offenses, testified that he spent the night with the defendant in March 1997 and that the defendant came to his bed wearing a nightgown with a hole in the front through which his genitals could be seen. He testified that the defendant got into bed with him, reached down the victim's pants, and touched the victim's genital area. He testified that he asked the defendant to stop but that the defendant continued to touch him.

The male victim testified that he and his sister also spent the night with the defendant on April 1, 1997. He testified that he and his sister were sleeping in the same bed, and the defendant got in bed with them and squeezed and touched his sister's genitals. He testified that the defendant fondled him that night after the defendant fondled his sister. The female victim testified that the defendant removed her nightgown and touched her genital area while she was in the bed with her brother. A subsequent search of the defendant's home uncovered several nightgowns with holes cut in the front.

After full consideration of the record, the briefs, and the law governing the issue presented, we are of the opinion that the evidence is sufficient to support the defendant's convictions for aggravated sexual battery and that no precedential value would be derived from the rendering of a full opinion. Therefore, we conclude that the judgment of the trial court should be affirmed pursuant to Rule 20, Tenn. Ct. Crim. App. R.

Joseph M. Tipton, Judge

CONCUR:

David G. Hayes, Judge

L.T. Lafferty, Senior Judge