

Appellant-defendant Bradley A. Combs appeals his conviction for Child Molestering,¹ a class C felony, challenging the sufficiency of the evidence. Specifically, Combs argues that the State failed to show an intent to arouse the “sexual desires of the child or the older person” when he touched the seven-year-old victim’s genitals. Appellant’s Br. p. 6. Finding the evidence sufficient, we affirm the judgment of the trial court.

FACTS

Sometime between June 2004 and April 2005, seven-year-old M.K. was bathing in her Hamilton home. At some point, Combs—M.K.’s stepfather—walked into the bathroom and started washing M.K.’s back and feet with a washcloth. Combs then touched M.K.’s vagina with his hand and spread her genitals apart with his fingers. Combs told M.K. that she had “a pretty pink flower.” Tr. p. 88. M.K. experienced pain and discomfort during the incident.

Thereafter, Combs gave M.K. five dollars and told her that “all people do this and if [you] tell [your] mother [you’ll] get taken away from her.” *Id.* at 90. The next day, Combs again entered the bathroom while M.K. was bathing, washed her, and gave her some money. Combs did not fondle M.K. on that occasion.

On April 11, 2008, the State charged Combs with one count of child molestering, a class C felony. The charging information provided in part that

[Between] June 1, 2004 and April 30, 2005 . . . in Steuben County . . .
Combs did perform or submit to fondling or touching with M.K., a child

¹ Ind. Code § 35-42-4-3(b).

under the age of fourteen years, to-wit: 6 or 7 years of age, with the intent to arouse or satisfy the sexual desires of the child or defendant. . .

Appellant's App. p. 8. The State also alleged in Count II that Combs was a repeat sexual offender because he had a prior conviction for child exploitation in 1996.

At a jury trial that commenced on March 11, 2009, M.K. testified about the incidents. Combs also testified and denied that he had touched M.K. in the manner she had described. Combs testified that he "regularly" bathed M.K. and her brother. Tr. p. 122.

Combs was found guilty as charged and subsequently sentenced to six years of incarceration on the underlying conviction. The trial court enhanced the sentence by four years after Combs admitted to being a repeat sexual offender. Combs now appeals.

DISCUSSION AND DECISION

I. Standard of Review

In addressing a challenge to the sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Wright v. State, 828 N.E.2d 904, 905-06 (Ind. 2005). We consider only the evidence most favorable to the judgment, and we will overturn a conviction for lack of evidence only if no reasonable fact-finder could find an element of the crime proven beyond a reasonable doubt. Jenkins v. State, 726 N.E.2d 268, 270 (Ind. 2000).

We also note that the testimony of the victim alone is sufficient to sustain a conviction. J.V. v. State, 766 N.E.2d 412, 415 (Ind. Ct. App. 2002). The testimony is considered sufficient even if it is confusing or contradictory, as determinations of that

nature are within the province of the jury. Wagner v. State, 562 N.E.2d 421, 424 (Ind. Ct. App. 1990). Moreover, inconsistencies in the victim's version of events do not render the evidence insufficient. Hill v. State, 646 N.E.2d 374, 378 (Ind. Ct. App. 1995). To prove Combs guilty of child molesting, the State was required to prove beyond a reasonable doubt that Combs fondled M.K. "with intent to arouse or . . . satisfy [his] . . . sexual desires." I.C. § 35-42-4-3(b).

II. Combs's Claims

Although Combs contends that the State failed to prove that he acted with the intent to or arouse or satisfy his sexual desires when he touched M.K., we note that evidence of a defendant's intent can be drawn from circumstantial evidence surrounding his conduct and the natural and usual sequence to which such conduct usually points. Nuerge v. State, 677 N.E.2d 1043, 1048 (Ind. Ct. App. 1997).

In this case, M.K. testified that Combs touched her vagina, spread her genitals apart with his fingers, and commented that she had "a pretty pink flower." Tr. p. 88. In our view, Combs's conduct was such that the jury could infer that he acted with the intent to arouse or satisfy his sexual desire. Winters v. State, 727 N.E.2d 758, 761 (Ind. Ct. App. 2000) (holding that while mere touching is insufficient, the intentional touching of genitals implies an intent to arouse). Moreover, Combs attempted to conceal his conduct when he gave M.K. money to stay silent about the incident and told her that she would be taken away from her family if she told anyone about the incident. These actions are further evidence of Combs's intent. Kanady v. State, 810 N.E.2d 1068, 1070 (Ind. Ct. App. 2004) (observing that a statement "after the fact" that the defendant was sorry that

he had treated the victim like his girlfriend was sufficient to find that placing a finger less than one inch inside her underwear as she slept was more than “mere touching” and was done with the intent to gratify); see also Dougherty v. State, 451 N.E.2d 382, 387-88 (Ind. Ct. App. 1983) (holding that the defendant’s request to keep the touching secret was sufficient for the jury to find an intent to satisfy a sexual desire).

Under these circumstances, we conclude that the State presented sufficient evidence that Combs acted with the intent to arouse or satisfy his sexual desire when he touched M.K. Thus, we decline to set aside Combs’s conviction.

The judgment of the trial court is affirmed.

FRIEDLANDER, J., and RILEY, J., concur.