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**IN THE  
COURT OF APPEALS OF INDIANA**

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ROBERT ARNOLD, )  
 )  
Appellant-Defendant, )  
 )  
vs. )  
 )  
STATE OF INDIANA, )  
 )  
Appellee-Plaintiff. )

No. 49A05-1010-CR-651

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Jeffrey L. Marchal, Commissioner  
Cause No. 49G06-0908-FC-70164

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**April 29, 2011**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

**BAKER, Judge**

Appellant-defendant Robert Arnold appeals his conviction for child molesting, a class C felony.<sup>1</sup> Specifically, Arnold argues that there is insufficient evidence that he intended to arouse sexual desires when he placed his hand down the pants of his seven-year-old granddaughter and touched her vagina. Concluding there is sufficient evidence to support Arnold's conviction, we affirm.

### FACTS

On May 14, 2009, Arnold was babysitting his granddaughter, N.C., at his home in Indianapolis. While N.C. was sitting on his lap watching television, fifty-seven-year-old Arnold placed his hand down the front of her pants and touched her vagina. N.C. asked Arnold to stop and then went outside to play. In June 2009, N.C. told her mother what had happened.

During police questioning, Arnold explained that he did not remember touching N.C., but that his hand may have inadvertently gone down N.C.'s pants and touched her vaginal area when he picked her up. Arnold further explained that N.C. was very honest and would not lie about such a thing.

Arnold was convicted of child molesting as a class C felony in a bench trial. The trial court sentenced him to a four-year suspended sentence and ordered it to run consecutively to a sentence under another cause number. Arnold appeals his conviction.

### DISCUSSION AND DECISION

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<sup>1</sup> Ind. Code § 35-42-4-3(b).

Arnold argues that there is insufficient evidence to support his conviction. Specifically, he contends that there is insufficient evidence that he intended to arouse or satisfy sexual desires.

Our standard of review for sufficiency of the evidence is well settled. We will not reweigh the evidence or judge the credibility of the witnesses, and we will respect the jury's exclusive province to weigh conflicting evidence. Cline v. State, 860 N.E.2d 647, 648 (Ind. Ct. App. 2007). Considering only the evidence and the reasonable inferences supporting the verdict, our task is to decide whether there is substantial evidence of probative value from which a reasonable fact finder could find the defendant guilty beyond a reasonable doubt. Id. at 649.

To prove Arnold committed child molesting as a class C felony, the State was required to show that: 1) N.C. was less than fourteen (14) years of age; 2) Arnold touched or fondled N.C.; and 3) Arnold did so with the intent to arouse or satisfy sexual desires. See Ind. Code § 35-42-4-3(b). Arnold's sole contention is that there is insufficient evidence that he touched seven-year-old N.C. with intent to arouse or satisfy sexual desires.

The intent element may be established by circumstantial evidence and may be inferred from the actor's conduct and the natural and usual consequences to which that conduct usually points. Kirk v. State, 797 N.E.2d 837, 841 (Ind. Ct. App. 2004). The intent to arouse or satisfy sexual desires may be inferred from evidence that the accused intentionally touched a child's genitals. Id. Here, Arnold touched N.C.'s vagina. This

conduct alone supports an inference that Arnold acted to arouse or satisfy his sexual desires. See id. We therefore find sufficient evidence to support Arnold's conviction.

The judgment of the trial court is affirmed.

MAY, J., and BRADFORD, J., concur.