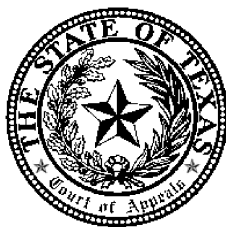


**Affirmed and Opinion filed December 13, 2001.**



**In The**  
**Fourteenth Court of Appeals**

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**NO. 14-00-01371-CR**

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**PETER SIMU CATLAND, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 248th District Court  
Harris County, Texas  
Trial Court Cause No. 842,763**

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**OPINION**

Appellant, Peter Simu Catland, was convicted of aggravated sexual assault. *See* TEX. PEN. CODE ANN. § 22.021(a) (Vernon Supp. 2001). Appellant challenges the legal and factual sufficiency of the evidence supporting his conviction. We affirm.

Appellant was charged by indictment with intentionally and knowingly penetrating the female sexual organ of a child younger than fourteen with his sexual organ. The jury found appellant guilty and assessed punishment at seventy-five years' confinement in the Texas Department of Criminal Justice, Institutional Division, as well as a \$10,000 fine. In four points of error, appellant contends the evidence is legally and factually insufficient because (1) the record fails to show that the complainant's female sexual organ was

penetrated, and (2) the complainant's testimony was not credible.

In evaluating the legal sufficiency of the evidence, we view the evidence in the light most favorable to the verdict and determine whether any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt. *King v. State*, 29 S.W.3d 556, 562 (Tex. Crim. App. 2000) (citing *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S. Ct. 2781, 2788-89 (1979)). We conduct a factual sufficiency review by reviewing all the evidence in a neutral light to determine whether the proof of guilt is so obviously weak as to undermine confidence in the jury's determination or the proof of guilt, although adequate if taken alone, is greatly outweighed by contrary proof. *Johnson v. State*, 23 S.W.3d 1, 11 (Tex. Crim. App. 2000). We may set aside the jury's verdict only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. *Clewis v. State*, 922 S.W.2d 126, 129 (Tex. Crim. App. 1996).

In his first two points of error, appellant claims the record contains legally and factually insufficient evidence that appellant penetrated the complainant's sexual organ, as alleged in the indictment. Appellant contends that, at most, the record establishes that appellant had contact with the complainant's sexual organ, but not penetration. We disagree. At trial, the complainant testified that appellant was lying on top of her and that his private part touched the "inside" of her private part. The complainant further testified that it "hurt" while appellant was on top of her and that her private part hurt the next morning. A child's testimony may constitute sufficient evidence of the elements of a sexual assault, including penetration, even if that testimony lacks the clarity expected of mature and capable adults. *Villalon v. State*, 791 S.W.2d 130, 134 (Tex. Crim. App. 1990). In addition, Ramona Davis, the complainant's teacher, testified that the complainant told her that appellant "put his private part in my private part." Sheela Lahoti, a doctor at the clinic where the complainant was examined, testified that the complainant said that appellant touched her with his private part "in mine." Appellant raises no complaint on appeal regarding the admissibility of either witness's testimony. We find the evidence is legally sufficient to support the element of penetration. Appellant's first point of error is overruled.

We also find the evidence to be factually sufficient. Appellant relies primarily on Dr. Lahoti's testimony that nothing unusual was noted during the complainant's physical examination. However, Dr. Lahoti also testified that given the amount of time that had elapsed between the assault and her examination, the absence of physical injury was not inconsistent with sexual abuse. We cannot say the jury's determination is contrary to the overwhelming weight of evidence. Appellant's second point of error is overruled.

In points of error three and four, appellant claims the evidence is legally and factually insufficient to support his conviction because the complainant's testimony was not credible. The jury is the exclusive judge of the credibility of witnesses. *Barnes v. State*, 876 S.W.2d 316, 321 (Tex. Crim. App. 1994) (per curiam). Appellant nonetheless argues that the credibility of a complainant may be "so undermined that a reviewing court cannot have confidence in a verdict supported solely by such a witness's testimony." Even if this were true, appellant has not demonstrated any basis on which we might conclude that the complainant's testimony is not credible. The testimony of a victim under 18 years of age does not require corroboration to support a conviction for aggravated sexual assault. TEX. CODE CRIM. PROC. ANN. art. 38.07 (Vernon Supp. 2001). Reconciliation of any conflicts between the complainant's testimony and that of other witnesses, including appellant, is within the exclusive province of the jury. *Mosley v. State*, 983 S.W.2d 249, 254 (Tex. Crim. App. 1998). The complainant's testimony is both legally and factually sufficient to support the jury's verdict in this case. We overrule appellant's third and fourth points of error.

The trial court's judgment is affirmed.

/s/ Leslie Brock Yates  
Justice

Judgment rendered and Opinion filed December 13, 2001.

Panel consists of Justices Yates, Edelman, and Wittig.<sup>1</sup>

Do Not Publish — TEX. R. APP. P. 47.3(b).

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<sup>1</sup> Senior Justice Don Wittig sitting by assignment.