

**ARKANSAS COURT OF APPEALS**

DIVISION IV  
No. CACR09-805

MICHAEL WAYNE WATSON  
APPELLANT

V.

STATE OF ARKANSAS  
APPELLEE

**Opinion Delivered** April 28, 2010

APPEAL FROM THE SEBASTIAN  
COUNTY CIRCUIT COURT  
[NOS. CR-2008-767; MC-2008-107]

HONORABLE JAMES O. COX,  
JUDGE

AFFIRMED

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**JOHN MAUZY PITTMAN, Judge**

Michael Wayne Watson appeals from his conviction of sexual assault in the fourth degree, for which he was sentenced to one year in the county detention center and fined \$1000. Appellant argues that the evidence is insufficient to support his conviction. We affirm.

Sexual assault in the fourth degree is committed if a person twenty years of age or older engages in sexual contact with another who is less than sixteen years of age and not the person's spouse. Ark. Code Ann. § 5-14-127(a)(2) (Repl. 2006). "Sexual contact" means any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks, or anus of a person or the breast of a female. Ark. Code Ann. § 5-14-101(9) (Repl. 2006). When the sufficiency of the evidence is challenged on appeal from a criminal conviction, we view the evidence and all reasonable inferences deducible therefrom in the

light most favorable to the State and will affirm if the finding of guilt is supported by substantial evidence. *May v. State*, 94 Ark. App. 202, 228 S.W.3d 517 (2006). Substantial evidence is evidence that passes beyond mere speculation or conjecture and is of sufficient certainty and precision to compel a conclusion one way or another. *Id.*

Viewed in light of this standard, the evidence showed that appellant is over fifty years of age. The fourteen-year-old victim testified that appellant was her father's friend who had been drinking liquor and watching television with her father in her mother's home. She stated that, when her father left the room, appellant asked her for a hug and then lifted her head and kissed her on the mouth. She recoiled; appellant said he was sorry and asked for another hug. She gave him another hug, and that time he rubbed his hand on her breast and vagina through her clothes. She moved away. Appellant walked out of the room, spoke to the victim's father, re-entered the room, and offered the victim five dollars if she "would let him do it again." She refused, and appellant left.

Appellant argues that the evidence is insufficient because the victim's testimony was not credible. We disagree. Appellant was tried by a jury. Credibility determinations are the province of the jury, and the appellate court will not disturb them on appeal when there is substantial evidence to support the jury's verdict. *Fox v. State*, 314 Ark. 523, 863 S.W.2d 568 (1993). Here, there was nothing intrinsically impossible, improbable, or unbelievable about the victim's testimony, see *Barnes v. State*, 258 Ark. 565, 528 S.W.2d 370 (1975), and the uncorroborated testimony of a victim of a sex offense is sufficient to support a conviction if

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the testimony satisfies the statutory elements of the offense. *Williams v. State*, 363 Ark. 395, 214 S.W.3d 829 (2005). The victim's testimony in this case is sufficient to establish the elements of the offense, including the motive of sexual gratification, particularly in light of the evidence that appellant offered her five dollars to "let him do it again."

Affirmed.

VAUGHT, C.J., and BROWN, J., agree.