

**ARKANSAS COURT OF APPEALS**

DIVISION IV  
No. CACR09-794

CARL DOUGLAS COLBURN  
APPELLANT

V.

STATE OF ARKANSAS  
APPELLEE

**Opinion Delivered** September 15, 2010

APPEAL FROM THE BENTON  
COUNTY CIRCUIT COURT  
[NO. CR-2008-1009-2]

HONORABLE DAVID CLINGER,  
JUDGE

AFFIRMED

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**JOSEPHINE LINKER HART, Judge**

Appellant, Carl Douglas Colburn, was charged with two counts of second-degree sexual assault and one count of rape. The jury found appellant guilty of one count of second-degree sexual assault and acquitted him of the other two counts. In his claim that substantial evidence does not support the conviction, appellant contends that the only direct evidence supporting the second-degree sexual assault conviction was the testimony of the victim, who was also his stepdaughter, and that there was no corroborating physical evidence to support her testimony. He argues that regardless of exactly what acts the jury focused on to convict him, the victim’s “credibility is highly suspect.” He supports his argument by noting that he was acquitted of two charges that were based on the victim’s testimony, which would therefore suggest “inherent reasonable doubt” about his conviction; that a journal kept by the victim did not include most, if not all, of the acts the victim testified that appellant

committed; and that the victim admitted that there were acts that she had testified to that she had not revealed to anyone until taking the stand. Appellant asserts that the victim's testimony was so inherently improbable, physically impossible, and clearly unbelievable that reasonable minds could not differ thereon.

A recitation of the facts is unnecessary to address appellant's concerns. In determining whether substantial evidence supports a conviction, it is well established that resolving inconsistencies in the evidence is an issue for the jury. *Brown v. State*, 374 Ark. 341, 288 S.W.3d 226 (2008). Further, a victim's uncorroborated testimony may constitute substantial evidence to support a guilty verdict for second-degree sexual assault. *Id.* A jury is free to believe all—or part—of a victim's testimony; a witness's credibility is left to the jury's discretion. *Id.*

Given our standard of review, and even assuming that there were inconsistencies in the victim's testimony, we must conclude that substantial evidence supports appellant's conviction. Where the jury as trier of fact has given credence to inconsistent testimony, the appellate court will not reverse unless the testimony is so inherently improbable, physically impossible, or clearly unbelievable that reasonable minds could not differ thereon. *Id.* Appellant has not shown that such circumstances exist. Accordingly, we affirm.

Affirmed.

VAUGHT, C.J., and PITTMAN, J., agree.