

Cite as 2011 Ark. App. 413

**ARKANSAS COURT OF APPEALS**

DIVISION IV

No. CACR10-1316

THEODORE VANCE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** June 1, 2011APPEAL FROM THE MISSISSIPPI  
COUNTY CIRCUIT COURT,  
CHICKASAWBA DISTRICT  
[CR-2010-103(VH)]HONORABLE VICTOR HILL,  
JUDGE

AFFIRMED

**DAVID M. GLOVER, Judge**

Appellant Theodore Vance was convicted in a nonjury trial of one count of rape. The trial court sentenced him to twenty-five years in the Arkansas Department of Correction. On appeal, Vance argues that the trial court erred in denying his motion to dismiss because there was insufficient evidence to support the conviction. We affirm.

At trial, the victim, S.C., who was thirteen years old at the time of the incident, testified that she was spending the night with her grandmother on February 7, 2010; that she invited Vance (whom she had known for at least a month and knew was an “older” guy) to her grandmother’s house late that night; that when he arrived, they went to her room where she drew for a little while and Vance watched her; that they began to “play fight”; and that then they began kissing and their clothes began to come off. S.C. testified that she and Vance

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had sex for about an hour and then she put her clothes back on and began drawing again. S.C. stated that her grandmother came into her room while she and Vance were lying in bed talking; that she (S.C.) “hurried up” and put a cover on; and that when her grandmother asked who Vance was, he got up and ran out of the house.

On cross-examination, S.C. said that she pulled the covers up even though she had her clothes on because she knew that she would be in trouble for having a boy at the house. She said that she told her mother that she had sex, but that neither her mother nor her grandmother took her to the hospital. S.C. denied telling other people that the incident had not occurred.

Dorothy Williams, S.C.’s grandmother, testified that on the night of February 7, she walked into the den and found S.C. and Vance in the bed. She said that S.C. had her clothes on, and that she jumped up and asked Williams not to call her mother. Williams said that she saw Vance in the bed, but he ran out of the house. Williams denied that there was a discussion about taking S.C. to the hospital.

Latasha Jackson, S.C.’s mother, testified that her mother called her between 2:00 and 2:30 a.m. on the morning of February 8—when Jackson arrived at her mother’s house, Williams told her that S.C. had a boy over, but that he left before Jackson arrived. Jackson said that S.C. finally admitted to her that she had sex that night. Jackson said that she did not take her daughter to the hospital for an examination, but that she did take her to see her family physician two or three days after the incident, which was the first time the doctor could see her.

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Scott Adams, a detective with the Blytheville Police Department, testified that he interviewed Vance in connection with the case on February 13, 2010. He said that Vance's date of birth was November 2, 1990, making Vance nineteen years old at the time of the incident. Adams stated that while Vance admitted being at Williams's house with S.C., he denied having sexual intercourse with her. According to Adams, Vance told him that S.C. called Vance about 11:00 p.m. to come over and watch television, that he arrived around midnight, that Williams came in and found him in the room, and that he fled from the house.

After the State rested its case, Vance moved for dismissal, arguing that there was no physical or medical evidence that a rape occurred. He pointed out that S.C. had not been taken to the hospital, that she had not been seen by a doctor until two or three days after the incident occurred, and that the State had not provided the trial court with the results of the examination. The trial court denied Vance's motion.

Vance called several people who testified that S.C. had told them that she and Vance "didn't do nothing." One of those witnesses also testified that S.C. told her that her mother was making her say that Vance had raped her. Linda Williams, Vance's mother, testified that S.C. told her after the incident that Jackson made her say that Vance had raped her and that if she did not say that she would "whoop" her. Williams said that S.C. told her that she did not have sex with Vance. Williams also said that she told S.C. to tell that to the police, but that to her knowledge, S.C. never reported that to the police.

Vance testified on his own behalf. He testified that S.C. called him to come over to her grandmother's house on the night of February 7, 2010, around 11:00 p.m. He said that

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after he went to Williams's house, he dozed off, her grandmother came into the room, he got scared, and he jumped up and left. He denied that anything sexual occurred between him and S.C.—that they just talked. He also denied knowing S.C.'s age.

After the defense rested, Vance again moved for dismissal. The trial court again denied the motion. The trial court found Vance guilty of rape, stating that it was its belief that Vance went to Williams's house to have sex with a child he knew to be thirteen years of age; that he did have sex with a thirteen-year-old girl; that there was no incentive on S.C.'s part to maintain that sexual intercourse had taken place; that if S.C. had not disclosed it, she would not have been in trouble with her family; that it appeared that S.C. did not want to be in court; and that S.C. recanted to her classmates because she wanted to salvage her relationship with them. The trial court then sentenced Vance to twenty-five years in prison.

On appeal, Vance argues that there was insufficient evidence to support his conviction for rape. Specifically, he argues that there was no physical evidence of rape and that the testimony presented by the State was contradictory and insufficient to support his conviction. He argues that there was no medical evidence to support an allegation of rape, and he points to the fact that S.C. was not taken to the hospital and did not see a doctor until two or three days after the rape was alleged to have taken place.

In *Henry v. State*, 2011 Ark. App. 169, at 7, \_\_\_ S.W.3d \_\_\_, \_\_\_, this court set forth the standard of review in bench trials:

A motion to dismiss at a bench trial, like a motion for directed verdict at a jury trial, is considered a challenge to the sufficiency of the evidence. *Stewart v. State*, 2010 Ark. App. 9, \_\_\_ S.W.3d \_\_\_. When the sufficiency of the evidence is challenged in a

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criminal conviction, we review the evidence in the light most favorable to the State and affirm if the verdict is supported by substantial evidence. *Id.* Substantial evidence is evidence that induces the mind to go beyond mere suspicion or conjecture, and that is of sufficient force and character to compel a conclusion one way or the other with reasonable certainty. *Id.*

A person commits rape if he engages in sexual intercourse or deviate sexual activity with another person who is less than fourteen years of age. Ark. Code Ann. § 5-14-103(a)(3)(A) (Supp. 2009). The uncorroborated testimony of a rape victim alone is sufficient to sustain a conviction. *Standridge v. State*, 357 Ark. 105, 161 S.W.3d 815 (2004).

Vance, while noting the legal precedent that a rape victim's testimony, standing alone, is sufficient evidence to sustain a conviction, nevertheless argues that in other cases, there have been other factors present to corroborate a rape victim's testimony. While it may be true that some cases have physical evidence of rape in addition to the victim's testimony that support the victim's version of events, that does not negate the fact that all that is needed for a rape conviction is the uncorroborated testimony of the victim. *Standridge, supra*. While more physical evidence against Vance would have made a stronger case, the fact remains that S.C. testified that she and Vance had sexual intercourse, and the trial court believed her. That is all that is required to sustain Vance's rape conviction.

Affirmed.

GRUBER and HOOFFMAN, JJ., agree.