MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

David E. Voelkert,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

September 30, 2022

Court of Appeals Case No. 22A-CR-132

Appeal from the St. Joseph Superior Court

The Honorable Stephanie Steele, Judge

Trial Court Cause No. 71D01-1902-F1-6

Riley, Judge.

STATEMENT OF THE CASE

[1] Appellant-Defendant, David Voelkert (Voelkert), appeals his convictions for child molesting, a Level 1 felony, Ind. Code § 35-42-4-3(a)(1); and child molesting, a Level 3 felony, I.C. § 35-42-4-3(a).

[2] We affirm.

ISSUES

[3] Voelkert presents this court with two issues, which we restate and reorder as:

(1) Whether the trial court erred when it denied Voelkert's Motion to Dismiss pursuant to the Interstate Agreement on Detainers (IAD); and

(2) Whether the State presented sufficient evidence to prove the offenses beyond a reasonable doubt.

FACTS AND PROCEDURAL HISTORY

[4] Voelkert was married to A.V.'s mother (Mother) from approximately 2001 to 2010, and A.V. was born during that time.[1] Although Voelkert is not A.V.'s biological father, his name is on A.V.'s birth certificate. On September 15, 2018, when A.V. was fifteen years old, A.V. disclosed to her uncle, Jessie Davis (Davis), that Voelkert had molested her. Davis alerted Mother to A.V.'s

[1] The precise date of A.V.'s birth is not part of the record.

disclosure, and Mother alerted the authorities. An investigation ensued, and A.V. was subsequently forensically interviewed.

[5] On February 8, 2019, the State filed an Information, charging Voelkert with Level 1 and Level 3 felony child molesting (the Indiana charges). At the time the State filed these charges, Voelkert was imprisoned in a Michigan Department of Corrections (MDC) facility. While imprisoned in Michigan, Voelkert became aware that the Indiana charges had been filed against him.

[6] On July 29, 2021, Voelkert filed his Request for Final Disposition and Notice of Availability for Prosecution in which he alleged that on October 15, 2020, he had initiated the process pursuant to the IAD of being brought to trial on the Indiana charges by sending IAD forms to the St. Joseph County Prosecutor, demanding to be brought to trial within 180 days. On August 3, 2021, Voelkert was transported from Michigan to Indiana, where he was arraigned on the Indiana charges.

[7] On September 9, 2021, Voelkert filed a motion to dismiss with a supporting memorandum, arguing that on October 19, 2020,[2] he had submitted a written request for disposition to the warden of his MDC facility. Voelkert argued that the MDC had not properly forwarded his request for disposition to both the trial court and the St. Joseph County Prosecutor, as required by the IAD, but he

[2] It is unclear from the record why Voelkert did not allege that he had begun the IAD process on October 15, 2020, as he had in his July 29, 2020, request for final disposition.

contended that, despite that failure, he was entitled to discharge because he had not been brought to trial in Indiana within 180 days of the October 19, 2020, submission of his request to the MDC warden. In his dismissal motion, Voelkert acknowledged that the trial court did not issue a detainer for Voelkert until November 12, 2020.

[8] On October 6, 2021, the trial court held a hearing on Voelkert's Motion to Dismiss. At the hearing, Voelkert requested that the trial court take judicial notice of a document in its case file bearing the titles "Agreement on Detainers: Form VII" and "Prosecutor's Acceptance of Temporary Custody Offered in Connection with a Prisoner's Request for Disposition of a Detainer" (Form VII). (Appellant's App. Vol. II, p. 136). Form VII was sent from the St. Joseph County Prosecutor to the warden of Voelkert's MCD facility and provided that, in response to an MDC letter dated September 29, 2020, offering temporary custody of Voelkert, the Prosecutor agreed to accept temporary custody of him. Underneath the Prosecutor's signature was the following certification that was signed by the trial court judge on November 10, 2020:

> I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of Article IV(a) and that the facts recited in this request for temporary custody are correct and that having duly recorded said request, I hereby transmit it for action in accordance with its terms and the provisions of the Agreement on Detainers.

[9] (Appellant's App. Vol. II, p. 136). Voelkert argued that Form VII showed that he was entitled to discharge because the Prosecutor had accepted temporary

custody of him but had not brought him to trial within the 180 days provided by the IAD. The trial court ruled that Voelkert had not shown that he was entitled to discharge because (1) Form VII was part of the "initial detainer paperwork" and was not pertinent to Voelkert's request for final disposition, and (2) Voelkert had acknowledged in his Motion to Dismiss that his October 2020 request for final disposition had only been sent to the Prosecutor and not to the trial court. (Transcript Vol. II, p. 29). The trial court further ruled that it had brought Voelkert to Indiana within days of receiving his July 29, 2021, request for disposition and that Voelkert's trial would be set for November 15, 2021, which would be within the IAD time limit.[3] On October 20, 2021, Voelkert filed a motion to reconsider with a supporting memorandum, and on October 27, 2021, the trial court denied that motion.

[10] On November 10, 2021, Voelkert waived his right to a jury trial. On November 15, 2021, the trial court convened Voelkert's four-day bench trial. On the second day of trial, Voelkert submitted a written motion and again requested that the trial court reconsider its ruling denying his IAD dismissal motion, this time arguing that the fact that the trial court had signed Form VII on November 10, 2020, showed that "both the [c]ourt and Prosecutor not only knew about the IAD, they accepted temp. [sic] custody of [Voelkert,]" and that, thus, he was entitled to discharge. (Appellant's App. Vol. II, p. 78). Attached to Voelkert's

[3] The trial court stated on the record that Voelkert must be brought to trial within 120, not 180, days of his July 29, 2021, request for final disposition. Voelkert does not base any of his appellate arguments on this apparent error, which the trial court rectified in its subsequent rulings.

written in-trial motion was correspondence he had sent to an MCD official who had been involved in his October 2020 IAD request for disposition. In this correspondence, Voelkert informed the official that

> [u]pon reviewing the laws I had determined that you did not properly submit the [IAD] . . . Looking at Ind. Code § 35-33-10-4 it will show that the [IAD] needs to be sent to the prosecutor, that of which you did, but it also must be sent to the court. Insomuch, I am requesting that you send a copy to the court so we are compliant with Indiana laws.

(Appellant's App. Vol. II, p. 137). The trial court denied Voelkert's in-trial dismissal motion.

[11] At trial, A.V. testified to the following facts. Voelkert had begun abusing A.V. when she was six years old. When A.V. was seven years old, she and Voelkert were in her sister's bedroom. Voelkert kissed her, touched her chest, and rubbed her vagina. During this incident, A.V. testified that Voelkert "never inserted, yet, but he was still [] rubbing [] the outside of [her] vagina." (Tr. Vol. II, p. 154). A.V. clarified that this incident took place "in a house in St. Joseph County[.]" (Tr. Vol. II, p. 153). When A.V. was nine or ten years old, she and Voelkert were in the bedroom that Voelkert shared with Mother when Voelkert molested her (parental bedroom offense). Both A.V. and Voelkert were unclothed, and A.V. was on top of Voelkert. A.V. felt Voelkert's penis touch her below her stomach. Voelkert touched A.V.'s chest and rubbed her vagina with his hand. A.V. could not remember if Voelkert had "inserted his fingers or not. [She] just remember[ed] he was rubbing the outside" of her vagina. (Tr.

Vol. II, p. 156). A.V. testified to a third incident which took place when she was between nine and ten years old in what they referred to as the "big bathroom" of the home (big bathroom offense). (Tr. Vol. II, p. 157). Voelkert had A.V., who was wearing a towel, sit on his lap. Voelkert placed a massage tool "on" A.V.'s vagina and rubbed. (Tr. Vol. II, p. 157). After testifying to other acts of molestation, A.V. was asked if she had testified to all of Voelkert's molestation, to which A.V. replied, "[F]rom Indiana, yeah." (Tr. Vol. II, p. 161). On cross-examination, Voelkert, who represented himself at trial, asked A.V. if he had ever stuck his fingers inside of her vagina, and A.V. replied, "Yes." (Tr. Vol. II, p. 221). Voelkert testified on his own behalf that he did not remember committing the offenses. Voelkert acknowledged on cross-examination that in his direct testimony he had not disputed the charges and had not contended that A.V.'s testimony was false. At the close of the evidence, the trial court took the matter under advisement.

[12] On November 30, 2021, the trial court held a hearing to issue its judgment. The trial court specifically found A.V.'s testimony to be highly credible based on her in-trial demeanor. The trial court found that A.V.'s testimony that Voelkert had penetrated her vagina with his fingers, he had rubbed her vagina with his hand in the parental bedroom, and that he had rubbed her vagina with a massage tool in the bathroom supported convictions on the Level 1 and Level 3 felony child molesting charges. The trial court ruled that these acts had occurred in a house in St. Joseph County when A.V. was between eight and eleven years old. Regarding the evidence that Voelkert was over twenty-one

when he committed an act that would support the Level 1 felony charge at the time of the offense, the trial court considered a pre-trial report compiled by the probation department wherein Voelkert had reported serving in the Army from 1992 to 1995. The trial court took judicial notice of the fact that only those eighteen and older may serve in the military and reasoned that if Voelkert had been eighteen in 1992, he would have been over the age of twenty-one in 2010. The trial court also considered that Voelkert had been married to Mother since before A.V. was born, and that, since a person must be at least sixteen years old to marry in Indiana, Voelkert had been over twenty-one when A.V. was six years old, the age at which A.V. related that the molestation began. Lastly, the trial court found that it had observed Voelkert in person at trial, he was "very clearly over the age of forty[,]" and that, thus, he had been over the age of twenty-one in 2010. (Tr. Vol. IV, p. 2).

[13] On December 22, 2021, the trial court held Voelkert's sentencing hearing. The trial court sentenced Voelkert to thirty-five years for his Level 1 felony child molesting conviction. The trial court sentenced Voelkert to twelve years for his Level 3 felony child molesting conviction. The trial court ordered those sentences to be served consecutively, for an aggregate sentence of thirty-seven years.

[14] Voelkert now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

I. *IAD*

A. *Standard of Review*

[15] Voelkert argues that the trial court erred when it denied his request to dismiss the Indiana charges pursuant to the IAD. A trial court's ruling on a motion to dismiss under the IAD is a question of law that this court reviews de novo. *Noelker v. State*, 148 N.E.3d 345, 350 (Ind. Ct. App. 2020), *trans. denied*. Any factual findings underlying the trial court's ruling are reviewed under a clearly erroneous standard. *Id*. Findings are only clearly erroneous where the record is bereft of any facts or reasonable inferences to support them. *Id*.

B. *Analysis*

[16] The IAD is an interstate compact the purpose of which is "to encourage the expeditious and orderly disposition of outstanding charges against persons incarcerated in other jurisdictions." *McCloud v. State*, 959 N.E.2d 879, 882-83 (Ind. Ct. App. 2011), *trans. denied*. The IAD is codified at Indiana Code section 35-33-10-4, which provides in relevant part as follows:

> Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty (180) days *after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his*

> *imprisonment and his request for a final disposition* to be made of the indictment, information or complaint.

I.C. § 35-33-10-4, art. 3(a) (emphasis added). Thus, the IAD process is generally started when a state that has brought charges against a prisoner who is in custody in another IAD jurisdiction files a detainer against the prisoner. *State v. Robinson*, 863 N.E.2d 894, 896 (Ind. Ct. App. 2007), *trans. denied*. After the detainer has been filed, the prisoner/defendant may file a request for final disposition, triggering the requirement that he be brought to trial within 180 days. *Id*. The IAD outlines specific requirements and procedures for the filing and transmission of the request for final disposition, in that the

> request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.
>
> The written notice and request for final disposition . . . . shall be given or sent by the prisoner to the warden, commissioner of correction or other official having custody of him, who shall promptly forward it together with the certificate *to the appropriate prosecuting official and court* by registered or certified mail, return receipt requested.

I.C. § 35-33-10-4, art. 3(a), (b) (emphasis added). Article 3's requirement that the prisoner "shall have caused" his request and the certificate regarding the prisoner's status to be forwarded to the prosecutor and the trial court where the

charges are pending has been interpreted by the United States Supreme Court as meaning that the IAD's 180-day time period is not triggered "until the prisoner's request for final disposition of the charges against him has *actually been delivered* to the court and prosecuting officer of the jurisdiction that lodged the detainer against him." *Fex v. Michigan*, 507 U.S. 43, 52, 113 S.Ct. 1085, 1091, 122 L.Ed.2d 406 (1993) (emphasis added). The IAD's procedures are not mere technicalities; rather, Indiana courts have recognized that strict compliance with the IAD's procedures is required. *State v. Smith*, 882 N.E.2d 739, 742 (Ind. Ct. App. 2008) (citing *State v. Greenwood*, 665 N.E.2d 579, 582 (Ind. 1996)).

[17] On appeal, Voelkert directs our attention to Form VII, arguing that the fact that the trial court signed Form VII on November 10, 2020, triggered the 180-day time limit to bring him to trial. We do not find this argument to be persuasive for several reasons, the first of which is that, as Voelkert acknowledged in his dismissal motion, no detainer on the Indiana charges had been lodged against him yet when he filed his October 2020 paperwork. In denying Voelkert's dismissal motion, the trial court found that Form VII had been signed by the trial court as part of the initial detainer paperwork for Voelkert on the Indiana charges and that the form was not pertinent to his request for final disposition. Voelkert does not address the trial court's determination, let alone provide us with authority indicating that the trial court was in error. In addition, there is no indication in the trial court's certification contained in Form VII that it had received Voelkert's request for final disposition and the certificate regarding his

prisoner status in Michigan, so there is nothing in the record supporting an argument that Form VII was the functional equivalent of the trial court's actual receipt of the required IAD documentation.

[18] Voelkert's reliance on *Ward v. State*, 435 N.E.2d 578 (Ind. Ct. App. 1982), is also misplaced. *Ward* was a pre-*Fex* case in which this court excused Ward's failure to cause the actual delivery of the required IAD documentation to the trial court and the prosecutor, where Ward had given notice to the prison case manager responsible for detainer matters of his desire for disposition, along with a copy of his request for a speedy trial. *Id*. at 579-81. The case manager did not forward those documents to the trial court and the prosecutor, but the *Ward* court held that, after Ward had supplied the paperwork to his case manager, it was incumbent on the officials who had custody of Ward to fulfill their obligations under the IAD to send the information to the trial court and the prosecutor. *Id*. The *Ward* court concluded that the failure of Ward's custodial officials to discharge their duties under the IAD could not be attributed to Ward and that the charges against him should have been dismissed because they were untimely under the IAD. *Id*. However, we have subsequently acknowledged that *Fex* brought "clarification to our earlier *Ward* opinion" and that the actual delivery of the necessary IAD paperwork to both the trial court and the prosecutor is required to trigger the IAD's 180-day time limit. *Bowling v. State*, 918 N.E.2d 701, 705-06 (Ind. Ct. App. 2009), *trans denied*.

[19] Here, at most, Voelkert's October 2020 IAD paperwork was sent to the St. Joseph County Prosecutor, but, as Voelkert acknowledged in his letter to a MCD prison official and in his written pre-trial Motion to Dismiss, that IAD paperwork was not sent to the trial court. Therefore, the IAD's 180-day time limit was not triggered in October 2020. *Fex*, 507 U.S. at 52; *Bowling*, 918 N.E.2d at 706. Voelkert does not argue that the trial court failed to bring him to trial within 180 days of his July 29, 2021, notification and request for final disposition. Accordingly, we find no error in the trial court's denial of Voelkert's Motion to Dismiss pursuant to the IAD.

II. *Sufficiency of the Evidence*

A. *Standard of Review*

[20] Voelkert challenges the evidence supporting his convictions. Our standard of review in such matters is well-established: We will consider only the probative evidence and reasonable inferences that support the judgment of the trier of fact. *Hall v. State*, 177 N.E.3d 1183, 1191 (Ind. 2021). We do not reweigh the evidence or judge the credibility of the witnesses. *Id*. Accordingly, "[w]e will affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." *Id*. Voelkert argues that the State did not establish venue, the years in which the offenses took place, his age to support the Level 1 felony, or that he committed acts of other sexual conduct.

B. *Analysis*

[21] The State charged Voelkert with Level 1 felony child molesting in relevant part as follows:

> Between January 1, 2010 and December 31, 2016, in St. Joseph County, State of Indiana, [Voelkert], a person of at least twenty-one (21) years of age, did perform or submit to sexual intercourse or other sexual conduct as defined in Indiana Code section 35-31.5-2-221.5 with [A.V.], a child under the age of fourteen years (14).

(Appellant's App. Vol. III, p. 112). The State's Level 3 felony child molesting charge was identical, except that the allegation that Voelkert was twenty-one at the time of the offense was omitted.

[22] Voelkert argues that the State failed to establish that the offenses took place in St. Joseph County because A.V. merely testified that the offenses occurred in Indiana. A criminal defendant has a constitutional and statutory right to be tried in the county in which an offense was committed. *Alkhalidi v. State*, 753 N.E.2d 625, 628 (Ind. 2001) (citing Indiana's Article I, section 13 and Indiana Code section 35-32-2-1(a)). Venue is not an element of a criminal offense, and, therefore, the State is only required to establish venue by a preponderance of the evidence rather than beyond a reasonable doubt. *Id*. The State may establish venue through circumstantial evidence. *Peacock v. State*, 126 N.E.3d 892, 897 (Ind. Ct. App. 2019).

[23] Here, the first act of molestation that A.V. described in detail occurred in her sibling's bedroom "in a house in St. Joseph County" when A.V. was seven

years old. (Tr. Vol. II, p. 153). A.V. then related the details of the parental bedroom and the big bathroom offenses, and she testified that Voelkert had penetrated her vagina with his finger. While A.V. did not expressly state that these other acts all occurred in the same house as the molestation that had occurred when she was seven, in the absence of any testimony that her family had moved and, in light of A.V.'s testimony that all the acts she had described occurred in Indiana, rather than another state, we conclude that the trial court reasonably inferred that all the offenses A.V. described took place in the house in St. Joseph County.

[24] Voelkert also challenges the evidence establishing the years the molestation took place. It has been long recognized that "time is not of the essence in the crime of child molesting[,]" and the exact date that an act of molestation occurred is only important in limited circumstances, such as where the victim's age falls at or near the dividing line between felony levels. *Barger v. State*, 587 N.E.2d 1304, 1307 (Ind. 1992). Therefore, the State only had to establish that the molestation took place within the period charged. *Krebs v. State*, 816 N.E.2d 469, 473 (Ind. Ct. App. 2004). A.V. testified at trial, which commenced on November 15, 2021, that she was nineteen years old. A.V. further testified that Voelkert committed the parental bedroom and big bathroom offenses when she was between nine and ten years old. Based on this evidence, the trial court could reasonably infer that A.V. was between nine and ten years old in 2011 and 2012. Therefore, the State proved that those offenses occurred within the charged timeframe.

[25] Volkert also asserts that the State failed to prove that he was over twenty-one at the time he committed the Level 1 felony and that the trial court looked outside the record to infer his age. Where the defendant's age is an element of the offense, the State may use circumstantial testimonial evidence to prove age, and the fact-finder may use common sense in determining a defendant's age at the time of an offense. *Staton v. State*, 853 N.E.2d 470, 474-75 (Ind. 2006). Our supreme court has found that a defendant's testimony that he was married and had an eleven-year-old son was sufficient to establish that he was over sixteen years of age when he committed an offense. *Altmeyer v. State*, 519 N.E.2d 138, 141 (Ind. 1988). In addition, evidence of a defendant's physical appearance at trial may also establish the defendant's age at the time of the offense. *See Brown v. State*, 149 N.E.3d 322, 323 (Ind. Ct. App. 2020) (affirming Brown's conviction for the Class A felony child molesting of his victim from 2011 to 2012 in part because he appeared at trial in 2019 with a bald spot and white beard), *trans. denied*.

[26] Here, the State showed that Voelkert had been married to Mother since before A.V. was born, and the trial court specifically found, based on its in-person observation of Voelkert at trial, that he was over forty years old in November 2021 when he stood trial. As we have just observed, A.V. testified that the parental bedroom and big bathroom offenses occurred when she was between the ages of nine and ten. A.V. was ten years old in 2012, nine years before Voelkert was brought to trial. From this evidence and its own observation of

Voelkert, the trial court could have reasonably inferred that Voelkert was over twenty-one when he committed Level 1 felony child molesting.

[27] Lastly, Voelkert contends that the State failed to present sufficient evidence of other sexual conduct necessary to support his convictions because there was no evidence that he penetrated A.V.'s vagina. We agree with Voelkert that there was no evidence of sexual intercourse presented at trial, so the State was required to prove that he had committed at least two acts of other sexual conduct against A.V. As defined by statute, in relevant part, 'other sexual conduct' is an act involving "the penetration of the sex organ or anus of a person by an object." I.C. § 35-31.5-2-221.5. A finger is an 'object' for purposes of establishing 'other sexual conduct'. *Carranza v. State*, 184 N.E.3d 712, 715 (Ind. Ct. App. 2022). "[P]roof of the slightest penetration of the sex organ, including penetration of the external genitalia, is sufficient to demonstrate a person performed other sexual [conduct] with a child." *Boggs v. State*, 104 N.E.3d 1287, 1289 (Ind. 2018). In *Hale v. State*, 128 N.E.3d 456, 461-63 (Ind. Ct. App. 2019), *trans. denied*, we found sufficient evidence of other sexual conduct where the victim testified that Hale touched her "*on* [her] private parts", which was how she referred to her vagina, with his hand or fingers, using "up and down or like circular motions." (Emphasis added). Although Hale's victim did not know whether his finger had penetrated her vagina, relying on *Boggs*, the *Hale* court reasoned that "penetration of the vaginal canal is not required to prove Level 1 felony child molesting" and that "it would have

been physically impossible for Hale to touch any part of [his victim's] vagina without having first penetrated her vulva, or external genitalia." *Id*. at 463.

[28] Here, A.V. testified that during the parental bedroom offense, Voelkert was "rubbing the outside" of her vagina with his hand. (Tr. Vol. II, p. 156). A.V. also testified that during the big bathroom offense, Voelkert placed a massage tool "on" A.V.'s vagina and rubbed. (Tr. Vol. II, p. 157). We conclude, as did the *Hale* court, that this evidence proved beyond a reasonable doubt that Voelkert penetrated A.V.'s sex organ, as it would have been impossible for Voelkert to touch any part of A.V.'s vagina without first penetrating her external genitalia. *Hale*, 128 N.E.3d at 463.

[29] Despite this evidence, Voelkert challenges A.V.'s testimony as being incredibly dubious. Under the "incredible dubiosity" rule

> a court may impinge upon a jury's function to judge the credibility of a witness. If a sole witness presents inherently improbable testimony and there is a complete lack of circumstantial evidence, a defendant's conviction may be reversed. This is appropriate only where the court has confronted inherently improbable testimony or coerced, equivocal, wholly uncorroborated testimony of incredible dubiosity. Application of this rule is rare and the standard to be applied is whether the testimony is so incredibly dubious or inherently improbable that no reasonable person could believe it.

Love v. State, 761 N.E.2d 806, 810 (Ind. 2002). The rule does not apply where the defendant has not shown that the victim's testimony was coerced or where

there was nothing inherently improbable or contradictory about a victim's testimony. *Id*.

[30] Voelkert contends that this rule should apply to his convictions because A.V.'s testimony was "inherently improbable given the lack of detail and the lack of corroboration and her admitted memory limitations." (Appellant's Br. p. 8). However, regarding the parental bedroom and big bathroom offenses, A.V. related how old she was, where they took place, where Voelkert touched her and with what, and the motion he used in touching her. Inasmuch as Voelkert implies that A.V. contradicted herself when she testified that Voelkert had inserted his fingers in her vagina, *Hale* illustrates that a victim's testimony that a defendant touched the outside of her vagina or touched her "on" her vagina is sufficient to support a child molesting conviction based on other sexual conduct, so A.V.'s testimony was not inconsistent for purposes of establishing penetration. *See Hale*, 128 N.E.3d at 461-63. Other than making a bald assertion, Voelkert does not explain what was inherently contradictory or improbable about A.V.'s testimony, and, therefore, the rule does not apply here. *See Love*, 761 N.E.2d at 810. In addition, A.V.'s testimony was sufficient in and of itself to prove the offenses. *See Reyburn v. State*, 737 N.E.2d 1169, 1171 (Ind. Ct. App. 2000) ("A conviction for child molesting may rest solely upon the uncorroborated testimony of the victim."). Voelkert's argument merely asks us to reassess A.V.'s credibility and to reweigh the evidence, an argument which is unpersuasive, given our standard of review. *See Hall*, 177 N.E.3d at 1191.

CONCLUSION

[31] Based on the foregoing, we hold that the trial court did not improperly deny Voelkert's Motion to Dismiss pursuant to the IAD and that the State proved the offenses beyond a reasonable doubt.

[32] Affirmed.

[33] Bailey, J. and Vaidik, J. concur