



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-07-00192-CR

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TOMMIE LOYD PRATER, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 336th Judicial District Court  
Fannin County, Texas  
Trial Court No. 21980

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Before Morriss, C.J., Carter and Moseley, JJ.  
Memorandum Opinion by Justice Moseley

## MEMORANDUM OPINION

Tommie Loyd Prater appeals from his conviction by a jury for sexual assault of a child with A.C.P. The jury assessed his punishment at twenty years' imprisonment and a \$10,000.00 fine. Prater presently has seven other convictions currently on appeal before this Court.<sup>1</sup>

On appeal, Prater contends that the trial court erred in allowing the introduction of hearsay statements through the testimony of Judith Hart, a nurse who examined A.C.P. during her initial hospital visit. Prater argues that her testimony and records were inadmissible because they were hearsay, not made admissible under a medical exception, and that the outcry exception did not apply because Hart was not the outcry witness.

We addressed this issue in detail in our opinion of this date on Prater's appeal in cause number 06-07-00187-CR. For the reasons stated therein, we likewise conclude that error has not been shown.

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<sup>1</sup>Prater appeals from eight convictions. In cause number 06-07-00187-CR, he appeals from his conviction of indecency with a child (A.C.P.) by sexual contact; in cause numbers 06-07-00188-CR through 06-07-00192-CR, he appeals his convictions of sexual assault of a child (A.C.P.). In each of these cases, Prater was sentenced to twenty years' imprisonment, to run consecutively, and \$10,000.00 fines.

Prater appeals his conviction in cause number 06-07-00193-CR of indecency with a child (J.A.P.) by sexual contact. Prater was sentenced in this case to twenty years' imprisonment, to run consecutively, and a \$10,000.00 fine.

Prater also appeals his conviction in cause number 06-07-00194-CR of aggravated sexual assault of a child (T.L.P.). He was sentenced to life imprisonment, to run consecutively, and a \$10,000.00 fine.

We affirm the judgment.

Bailey C. Moseley  
Justice

Date Submitted: August 8, 2008  
Date Decided: September 15, 2008

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