

TEXAS COURT OF APPEALS, FOURTEENTH DISTRICT

Alejandro Morales Calles v. State

No. 14-14-00696-CR (Tex. App.—Houston [14th Dist.] Sept. 24, 2015) (mem. op.) · No. 14-14-00696-CR ·
Decided September 24, 2015

SUMMARY

The Fourteenth Court of Appeals of Texas affirmed Alejandro Morales Calles’s conviction for aggravated sexual assault of a child under fourteen. The court held that the child complainant’s testimony was legally sufficient to establish the offense despite alleged inconsistencies and the presence of other children during the assault. The opinion is a per curiam memorandum opinion and is designated not for publication.

CASE DETAILS

COURT	Texas Court of Appeals, Fourteenth District
WRITING FOR THE COURT	Ken Wise; Justice Jamison; Justice McCally
JURISDICTION	Texas
DECIDED	September 24, 2015
DOCKET	14-14-00696-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed his conviction for aggravated sexual assault of a child, challenging the legal sufficiency of the evidence.
STANDARD OF REVIEW	The court viewed all evidence in the light most favorable to the verdict and asked whether a rational jury could have found the offense's elements beyond a reasonable doubt. It deferred to the jury's resolution of conflicts in testimony, credibility determinations, and weighing of evidence.
PRECEDENTIAL VALUE	Unpublished, nonprecedential memorandum opinion
PARTIES	Alejandro Morales Calles v. The State of Texas

TOPICS

evidence standard of review appellate procedure criminal procedure burden of proof

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support Calles's conviction for aggravated sexual assault of a child under fourteen despite the presence of other children and alleged inconsistencies in the complainant's statements.

HOLDINGS

1. The evidence was legally sufficient because, viewing it in the light most favorable to the verdict, a rational jury could find beyond a reasonable doubt that Calles intentionally or knowingly penetrated the sexual organ of a child under fourteen.
2. A child complainant's testimony alone may support a conviction for aggravated sexual assault of a child, and the testimony need not be corroborated by medical or physical evidence.

KEY QUOTATIONS

"We conclude that the evidence is legally sufficient to support appellant's conviction, and we overrule appellant's sole issue." (6)

"We affirm the trial court's judgment." (7)

FACTUAL BACKGROUND

The State alleged that Calles digitally penetrated the vagina of ten-year-old M.G. while she and her siblings were at his home. M.G. testified that Calles put his hands inside her pants and penetrated her vagina with his fingers while they were near his recliner; Calles denied the allegations. The jury credited M.G.'s testimony, found Calles guilty, and sentenced him to five years in prison.

PROCEDURAL HISTORY

The State charged Calles with aggravated sexual assault of a child under fourteen. After a jury trial, he was convicted and sentenced to five years in prison. The Fourteenth Court of Appeals reviewed his legal-sufficiency challenge and affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- Gear v. State, 340 S.W.3d 743, 746 (Tex. Crim. App. 2011)
- Jackson v. Virginia, 443 U.S. 307, 318-19 (1979)
- Isassi v. State, 330 S.W.3d 633, 638 (Tex. Crim. App. 2010)
- Muniz v. State, 851 S.W.2d 238, 246 (Tex. Crim. App. 1993)

- Sharp v. State, 707 S.W.2d 611, 614 (Tex. Crim. App. 1986)
- Turro v. State, 867 S.W.2d 43, 47 (Tex. Crim. App. 1993)
- Jensen v. State, 66 S.W.3d 528, 534 (Tex. App.—Houston [14th Dist.] 2002, pet. ref'd)
- Newby v. State, 252 S.W.3d 431, 437 (Tex. App.—Houston [14th Dist.] 2008, pet. ref'd)
- Garcia v. State, 563 S.W.2d 925, 928 (Tex. Crim. App. 1978)
- Carty v. State, 178 S.W.3d 297, 304 (Tex. App.—Houston [1st Dist.] 2005, pet. ref'd)
- Muniz v. State, No. 14-06-00959-CR, 2008 WL 314963, at *2 (Tex. App.—Houston [14th Dist.] Feb. 5, 2008, pet. ref'd) (mem. op., not designated for publication)
- Martin v. State, 492 S.W.2d 471, 472 (Tex. Crim. App. 1973)
- Vasquez v. State, 654 S.W.2d 775, 779 (Tex. App.—Houston [14th Dist.] 1983, no pet.)
- Moreno v. State, 755 S.W.2d 866, 867 (Tex. Crim. App. 1988)
- Lancon v. State, 253 S.W.3d 699, 705 (Tex. Crim. App. 2008)
- Clayton v. State, 235 S.W.3d 772, 778 (Tex. Crim. App. 2007)
- Dewberry v. State, 4 S.W.3d 735, 740 (Tex. Crim. App. 1999)
- Tran v. State, 221 S.W.3d 79, 88 (Tex. App.—Houston [14th Dist.] 2005, pet. ref'd)