

SUPREME COURT OF WYOMING

Tilley v. State, 2011 WY 153

267 P.3d 552 (Wyo. 2011) · Decided November 8, 2011

SUMMARY

The Wyoming Supreme Court affirmed Marvin Tilley's convictions for six counts of sexual assault and one count of aggravated burglary. The court held that the evidence, including testimony concerning assaults occurring years earlier and testimony from victims whose recollections lacked precise dates, was sufficient for a jury to find each element beyond a reasonable doubt. The court also rejected Tilley's arguments concerning delayed reporting, lack of corroboration, and conflicting testimony.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Kite, Chief Justice; Burke; Golden; Hill; Voigt
JURISDICTION	Wyoming
DECIDED	November 8, 2011
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed consolidated criminal convictions after a jury trial, challenging the sufficiency of the evidence supporting six sexual-assault convictions and one aggravated-burglary conviction.
STANDARD OF REVIEW	The court examines and accepts as true the State's evidence and all reasonable inferences that can be drawn from it, disregards conflicting defense evidence, and asks whether a jury could reasonably have found every element proven beyond a reasonable doubt. The standard applies to both direct and circumstantial evidence.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Marvin Tilley v. State of Wyoming

TOPICS

- criminal procedure
- standard of review
- appellate procedure
- burden of proof
- evidence

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate law

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Tilley's six sexual-assault-related convictions and aggravated-burglary conviction.
2. Whether the victims' inability to identify precise dates for some offenses rendered the evidence insufficient.
3. Whether the passage of many years before prosecution and the lack of corroboration for some victims' testimony required reversal under the beyond-a-reasonable-doubt standard.

HOLDINGS

1. The State presented sufficient evidence for a reasonable jury to find beyond a reasonable doubt that Tilley committed the charged sexual assaults and aggravated burglary; the convictions were therefore affirmed.
2. The inability of victims to identify precise dates did not require reversal where the evidence placed the offenses within the periods charged and the defendant did not challenge the charging documents for lack of notice.
3. The lengthy delay before prosecution and the absence of corroborating evidence did not make the convictions legally insufficient; witness credibility and the weight of the evidence were matters for the jury, and Wyoming law does not require corroboration of a sexual-assault victim's testimony.

KEY QUOTATIONS

“We do not substitute our judgment for that of the jury; rather, we determine whether a jury could have reasonably concluded each of the elements of the crime was proven beyond a reasonable doubt.” (at 554)

“Although the passage of time may make it more difficult for the State to prove its case, a lengthy period between commission of the crime and prosecution is by no means fatal to a conviction when the witnesses are credible and the evidence is sufficient.” (at 555)

FACTUAL BACKGROUND

Law enforcement learned that several victims reported sexual assaults by Tilley dating from the 1970s through the 1980s. The State charged him with six counts of sexual assault-related offenses involving four victims and one count of aggravated burglary arising from an alleged 1984 assault at MKJ's residence. At trial, the victims described forced sexual conduct, including testimony that Tilley used physical force against AF and MKJ and entered MKJ's residence without authority; the jury convicted Tilley on all counts.

PROCEDURAL HISTORY

The State charged Tilley in two separate cases with multiple sexual-assault-related offenses involving four victims and with aggravated burglary. The cases were joined for a six-day jury trial, and the jury convicted Tilley on all counts. The district court imposed a lengthy term of incarceration, and Tilley appealed.

DISPOSITION

affirmed

CASES CITED

- Anderson v. State, 2009 WY 119, ¶ 6, 216 P.3d 1143, 1145 (Wyo. 2009)
- Martin v. State, 2007 WY 2, ¶ 32, 149 P.3d 707, 715 (Wyo. 2007)
- Granzer v. State, 2010 WY 130, 239 P.3d 640 (Wyo. 2010)
- Dawes v. State, 2010 WY 113, ¶ 17, 236 P.3d 303, 307 (Wyo. 2010)
- Daves v. State, 2011 WY 47, ¶ 30, 249 P.3d 250, 259 (Wyo. 2011)
- Vernier v. State, 909 P.2d 1344 (Wyo. 1996)
- Stewart v. State, 724 P.2d 439, 441 (Wyo. 1986)
- Bush v. State, 2008 WY 108, ¶ 73, 193 P.3d 203, 221 (Wyo. 2008)
- Fortner v. State, 843 P.2d 1139, 1143 (Wyo. 1992)
- Smith v. State, 2009 WY 2, ¶ 52 n. 5, 199 P.3d 1052, 1067 n. 5 (Wyo. 2009)

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