

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM E. HOYLE,)
) No. 320, 2007
 Defendant Below,)
 Appellant,) Court Below: Superior Court
 v.) of the State of Delaware in
) and for Sussex County
)
 STATE OF DELAWARE,) Cr. ID No. 06-03026561
)
 Plaintiff Below,)
 Appellee.)

Submitted: January 23, 2008

Decided: February 11, 2008

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 11th day of February 2008, it appears to the Court that:

(1) A Superior Court jury found William Hoyle, defendant-appellant, guilty of fourth degree rape and two counts of second degree unlawful sexual contact. Hoyle argues that the State introduced insufficient evidence to support his convictions and that the trial judge should have granted his motion for judgment of acquittal. We find that the victim's testimony provided sufficient evidence to support Hoyle's convictions. Therefore, we **AFFIRM**.

(2) The alleged victim, Anna Hoopes, lived next door to Hoyle with her adopted parents. Hoopes and Hoyle's children were friends and typically played together. Hoopes testified that, sometime between October 2002 and October 2003

when she was fifteen years-old, she visited Hoyle's children at Hoyle's home. While in his home, Hoyle asked her to come in his room. After she went into the room, Hoyle locked the door and turned on a pornographic movie and "touched [her] everywhere." Hoopes further testified that Hoyle continued to touch her breasts and inserted his finger into her vagina. The incident ended when Hoopes' brother came to get her for dinner. Her brother testified that Hoyle refused to let him in the house and that they eventually shouted at each other. Hoopes other brother also came to confront Hoyle. After the second confrontation, Hoopes came out from Hoyle's home. Hoopes told her parents about the incident, but her parents decided not to call the police.

(3) In October 2005, Hoopes answered a risk assessment form at her high school. One question asked whether she had been physically, sexually, or emotionally abused. Hoopes answered yes. A social worker at the high school interviewed her and called the police to report the incident. Police arrested Hoyle. At trial, after the State's case, Hoyle moved for a Judgment of Acquittal. The trial judge denied the motion because Hoopes had testified that Hoyle committed every element of the charged crimes. A jury found Hoyle guilty on all counts. This appeal followed.

(4) Hoyle argues that the State introduced insufficient evidence to convict him of fourth degree rape and second degree unlawful contact. We review a

challenge to the sufficiency of the evidence to support conviction *de novo* and determine “whether a rational trier of fact, considering the evidence most favorable to the prosecution, could find the essential elements of the offense beyond a reasonable doubt.”¹

(5) In order to convict Hoyle of fourth degree rape, the State must prove, beyond a reasonable doubt, that the he “[i]ntentionally engage[d] in sexual penetration with another person under any of the following circumstances: a. the sexual penetration occurs without the victim’s consent; or b. the victim has not reached that victim’s sixteenth birthday.”² Sexual penetration means “[t]he unlawful placement of an object . . . inside the anus or vagina of another person.”³ An “object” includes “any part of the body.”⁴ Meanwhile, a charge of second degree unlawful sexual contact requires that the State prove that the defendant “intentionally has sexual contact with another person who is less than 16 years of age or causes the victim to have sexual contact with the person or a third person.”⁵

¹ *Poon v. State*, 880 A.2d 236, 238 (Del. 2005); *Farmer v. State*, 844 A.2d 297, 300 (Del. 2004); *Monroe v. State*, 652 A2d 560 (Del. 1995).

² 11 *Del. C.* § 770(a)(3).

³ 11 *Del. C.* § 761(h)(1).

⁴ 11 *Del. C.* § 761(c).

⁵ 11 *Del. C.* § 768.

Sexual contact includes “[a]ny intentional touching by the defendant of the anus, breast, buttocks or genitalia of another person.”⁶

(6) We note that in the briefing Hoyle mostly focused on the credibility of Hoopes’ testimony. However, “[i]t is now well-established that a victim’s testimony alone, concerning alleged sexual contact, is sufficient to support a guilty verdict if it establishes every element of the offense charged.”⁷

(7) Here, Hoopes testified that Hoyle digitally penetrated her vagina and touched her breasts and vagina when she was 15. This testimony established each of the essential elements of both crimes. Instead, Hoyle argues that the trial judge “should have recognized that the sometimes wild, sometimes nonsensical and sometimes fabulous evidence would be ignored by the jury in favor of a very challenged young lady.” He also asserts that the credibility of the State’s evidence is diminished by Hoopes’ parents’ failure to report the crime immediately and the resulting time lapse between the crime and its eventual reporting. However, these are issues of credibility that are within the sole province of the jury and were correctly placed before them. On a sufficiency of the evidence argument, we look only to see if the evidence, viewed in the light most favorable to the State, permitted a rational jury to find that the defendant committed the charged crimes.

⁶ 11 *Del. C.* § 768(e)(1).

⁷ *Farmer*, 844 A.2d at 300.

Because we find that Hoopes' testimony established every element of both offenses, a rational jury could have found each of the statutory elements beyond a reasonable doubt.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED**.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice