

**Affirmed and Opinion filed November 8, 2001.**



**In The**  
**Fourteenth Court of Appeals**

---

**NO. 14-00-00943-CR**

---

**ROBERT JERMAINE GRISBY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

---

---

**On Appeal from the 262nd District Court  
Harris County, Texas  
Trial Court Cause No. 811158**

---

---

**MEMORANDUM OPINION**

A jury found the appellant, Robert Jermaine Grisby, guilty of indecency with a child for engaging in sexual contact with the nine-year-old daughter of his brother's girlfriend. TEX. PEN. CODE ANN. § 21.11 (Vernon 1994). The appellant was also indicted for aggravated sexual assault arising from the same incident. TEX. PEN. CODE ANN. § 22.021 (Vernon 1994). The trial court charged the jury on both offenses, but the jury returned a verdict of not guilty on the aggravated sexual assault charge. On appeal, the appellant asserts the evidence was factually and legally insufficient to support his conviction for indecency because the complaining witness was not credible. Because all dispositive issues are clearly settled in law, we issue this memorandum opinion. *See* TEX. R. APP. P. 47.1.

The facts of these appeals are known to the parties, so we do not recite them here. In two points of error, appellant argues there was neither legally nor factually sufficient evidence to support his convictions. We follow the usual standards of review for legal and factual sufficiency. *Wesbrook v. State*, 29 S.W.3d 103, 111 (Tex. Crim. App. 2000); *King v. State*, 29 S.W.3d 556, 563 (Tex. Crim. App. 2000).

In both points of error, the appellant argues that the 9-year-old complainant's testimony was neither credible nor sufficient to support his conviction. The appellant argues there was no physical evidence to support the complainant's testimony. But all that was necessary to establish the appellant's offense was contact, not trauma. TEX. PEN. CODE ANN. §§ 21.01(2), 21.11 (Vernon 1994). While Dr. Hunt testified she did not find any evidence of trauma, she also testified this was consistent with the complainant's account of indecent contact by touching. Appellant points to no authority—medical or legal—that indecency must be substantiated by medical findings of trauma.

Furthermore, the inconsistencies in the complainant's allegations all related to the aggravated sexual assault count for which appellant was acquitted; her accounts of the indecent touching remained consistent. Although the appellant testified that the complainant's exposure to an R-rated film may have caused her to imagine the event, the complainant's behavior in reaction to the appellant's conduct is more consistent with an actual assault.

We find the evidence is legally sufficient. Given the evidence recited above, we find the jury's verdict was not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust, and we defer to the jury's assessment of the witnesses' credibility. *Johnson v. State*, 23 S.W.3d 1, 7 (Tex. Crim. App. 2000). We overrule points one and two and affirm the appellant's conviction.

/s/     Scott Brister  
          Chief Justice

Judgment rendered and Opinion filed November 8, 2001.

Panel consists of Chief Justice Brister and Justices Fowler and Seymore.

Do Not Publish — TEX. R. APP. P. 47.3(b).