**CAPTION:**  **STATE V. WRIGHT**

**03-08-24**

APPEAL NO.: C-220578

TRIAL NO.: B-1802063

KEY WORDS: RAPE – ATTEMPT – MANIFEST WEIGHT – EXPERT TESTIMONY – HEARSAY

SUMMARY:

The child-victim’s testimony that defendant performed oral sex on the victim and placed his penis on the outside of her “butt” constituted sufficient evidence to support defendant’s convictions for rape and attempted rape.

The trial court’s denial of defendant’s motion for a new trial was not an abuse of discretion where the trial court reasonably concluded that a sexually-transmitted-infection diagnosis did not constitute newly discovered evidence because defendant experienced symptoms of the infection before trial.

It was harmless error for the trial court to admit evidence containing a physician’s conclusion that there is a high likelihood that sexual abuse had occurred based on nothing more than the victim’s statements because the state did not mention the expert’s testimony during closing argument and the trial court did not rely on that statement to reach its judgment.

The trial court did not err in admitting expert testimony on delayed disclosure from a social worker with specialized information and extensive experience conducting forensic interviews who demonstrated her knowledge of the subject at trial.

The trial court did not err when it allowed an expert witness to testify that the child-victim’s behavior during the forensic interview was consistent with children who have experienced sexual abuse, because that testimony assisted the trier of fact’s understanding of the nature of the child’s behavior while disclosing abuse and the expert declined to testify about whether the abuse had occurred.

The trial court did not err in admitting a recording of the child-victim’s statements during a forensic interview, where the interviewer testified that the purpose of the interview was to determine if a physical examination or mental-health treatment was necessary, the child understood the need to be truthful, and the questions in the interview were not leading.

JUDGMENT: AFFIRMED

JUDGES: OPINION by BOCK, P.J.; CROUSE and KINSLEY, JJ., CONCUR.