

**COURT OF APPEALS
DECISION
DATED AND FILED**

November 19, 2002

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 02-1303-CR
STATE OF WISCONSIN**

Cir. Ct. No. 01-CF-188

**IN COURT OF APPEALS
DISTRICT III**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

JEREMY CLARK,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Brown County:
MARK A. WARPINSKI, Judge. *Affirmed.*

Before Cane, C.J., Hoover, P.J., and Peterson, J.

¶1 PER CURIAM. Jeremy Clark, a prison inmate, appeals a judgment convicting him of second-degree sexual assault as a repeater.¹ He argues that the

¹ The judgment also convicted Clark of battery by a prisoner as a repeater. He raises no issues on appeal regarding that conviction.

State failed to present sufficient evidence to establish that he intentionally touched a female guard's groin through her clothing or that he did so for the purpose of sexual gratification. Because the State presented sufficient evidence to allow the jury to infer intent and sexual motivation, we affirm the judgment.

¶2 The State alleged that Clark reached through a “trap” in his cell door when a female officer was retrieving his food tray and he grabbed her in the groin area. The officer testified that after Clark grabbed her, she got away from him and he grabbed her again in the thigh area. After she broke free again, he grabbed the food cart and tried to flip it over. Clark testified that he stuck his arm out of the trap in an attempt to grab the food cart to create a disturbance so that he could get medical attention for problems he was having with his medications.

¶3 When reviewing sufficiency of the evidence, this court must defer to the jury's verdict unless the evidence, when considered most favorably to the verdict, is so insufficient in probative value that no reasonable jury could find guilt beyond a reasonable doubt. *See State v. Von Loh*, 157 Wis. 2d 91, 101, 458 N.W.2d 556 (Ct. App. 1990). The jury determines the credibility of all witnesses and the weight to be accorded their testimony. *See Bautista v. State*, 53 Wis. 2d 218, 223, 191 N.W.2d 725 (1971). This court must adopt any reasonable inference that can support the verdict. *Id.*

¶4 Clark contends that no jury could have reasonably found that he intentionally touched the officer's groin area because it is not possible to see through the window in his solid door and simultaneously reach through the trap. Therefore, he argues that he could not have intentionally touched her. By looking through the window, however, Clark could have had a good idea of how the officer's body was positioned so that he could reach through the trap to grab her.

There is also no reason to believe that he could not look through the trap itself before reaching through it. In addition, from the fact that he grabbed her a second time after she broke free, the jury could reasonably infer that the touching was not accidental.

¶5 The State also presented sufficient evidence to establish that Clark grabbed the officer to become sexually aroused or gratified. Ten days after the incident, Clark told the officer “How did you like it when I grabbed your hairy crotch? And, if I get a chance, I’ll do it again.” He also admitted making a comment about the smell of her vagina. Clark admitted that on the day of the incident, when the officer first opened the trap, he “put [his] face in the trap and began wiggling [his] tongue at her.” These words and actions allow the jury to infer that Clark grabbed the officer for the purpose of sexual arousal or gratification.

¶6 Clark contends that he made the comments for the purpose of humiliating the guard rather than for his own sexual gratification. The two purposes are not mutually exclusive.

By the Court.—Judgment affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

