

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs October 21, 2025

FILED

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Clerk of the
Appellate Courts

STATE OF TENNESSEE v. GARY DOUGLAS CRAIGO, JR.

Appeal from the Criminal Court for Sumner County

No. 555-2022

Dee David Gay, Judge

No. M2024-01361-CCA-R3-CD

The Defendant, Gary Douglas Craigo, Jr., appeals his Sumner County Criminal Court convictions of aggravated rape and extortion, for which he received an effective sentence of twenty-nine years' incarceration. On appeal, the Defendant challenges the sufficiency of the convicting evidence for each of his convictions. Discerning no error, we affirm.

Tenn. R. App. P. 3 Appeal as of Right; Judgments of the Criminal Court Affirmed

STEVEN W. SWORD, J., delivered the opinion of the court, in which CAMILLE R. MCMULLEN and ROBERT H. MONTGOMERY, JR., JJ., joined.

Christian T. Moore, Nashville, Tennessee, (on appeal); Randy P. Lucas, Gallatin, Tennessee, (at trial), for the appellant, Gary Douglas Craigo, Jr.

Jonathan Skrmetti, Attorney General and Reporter; Johnny Cerisano and Katherine Redding, Assistant Attorneys General; Ray Whitley, District Attorney General; and Nathan Nichols, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

I. FACTUAL AND PROCEDURAL HISTORY

On August 5, 2022, a Sumner County Grand Jury returned a two-count indictment charging the Defendant with the aggravated rape and extortion of the victim, related to events occurring on July 2, 2022. The Defendant's case proceeded to a jury trial on July 24, 2023.

The victim testified that she and the Defendant had been married for approximately fourteen years prior to the offenses. The victim stated that their marriage was initially “happy” but that it began to deteriorate around 2014, when she had a hysterectomy and the Defendant was diagnosed with erectile dysfunction. She stated that she “no longer desired” to have sexual intercourse following her procedure and estimated that the last time she and the Defendant had consensual sexual intercourse was in August of 2021.

The victim recalled that approximately one year prior to the offenses, the Defendant asked if he could take nude photographs of her. The victim noted that the request made her feel uncomfortable, but that she nevertheless consented to being photographed because she knew her refusal would make the Defendant “upset.” She testified that she believed the photographs would remain private and that she did not consent to the Defendant’s distribution of the photographs.

The victim testified that she informed the Defendant she wanted to get a divorce in June of 2022, approximately one month prior to the offenses. She described her relationship with the Defendant as “like roommates” at that point and stated she felt as though she could no longer give the Defendant “what [he] need[ed].” She stated that the Defendant was unhappy about the prospect of a divorce and that he made multiple attempts to reconcile their marriage in the days and weeks afterwards by bringing the victim lunch and ice cream. The victim averred that while she appreciated the Defendant’s attempts to reconcile their marriage, she still wanted a divorce.

The victim testified that in the summer of 2022, she and the Defendant lived with the victim’s mother, the victim’s brother, and the victim’s niece at her mother’s home. After she informed the Defendant she wanted a divorce, the victim helped the Defendant find a new place to live. The victim stated that the Defendant was scheduled to move out on July 2, 2022. In an effort to keep their relationship “civil,” the victim agreed to continue sharing a bedroom with the Defendant until he moved out.

The victim stated that on June 29, 2022, she and the Defendant drove together to visit the victim’s daughter. During the drive, the Defendant reminded the victim that he still had the victim’s nude photographs and stated he would delete them if the victim had sexual intercourse with him “one more time.” The victim denied the Defendant’s request and told him to delete the photographs. Despite the victim’s refusal, the Defendant repeatedly reiterated his request in the following days.

The victim recalled that on the evening of July 1, 2022, she and the Defendant had a conversation in their bedroom in which the Defendant again asked her to have sexual intercourse with him “one last time.” The victim again refused this request. Shortly thereafter, the victim noticed that the Defendant’s cell phone was unlocked and that one of

her nude photographs had been set as the phone's background image. The victim became upset and asked the Defendant why he was using that photograph as his cell phone's background image. To this, the Defendant responded, "You keep on and I'm going to have it on my lock screen and my home screen and I'm going to show everybody." The victim exited the bedroom and sat with her mother in the living room. She stated that she returned to her bedroom at around 10:00 p.m. and went to sleep. She recalled that she wore a t-shirt, shorts, and underwear to bed that evening.

The victim testified that she was awakened by her alarm clock at 7:00 a.m. on July 2, 2022. She stated that as soon as she turned off her alarm clock and attempted to get out of bed, the Defendant "got on top" of her and forcibly removed her shorts and underwear. The victim told the Defendant to "stop" and attempted to "kick him away," but the Defendant took the victim's legs in his hands to prevent her from moving and pushed them so that her knees were near her ears. The Defendant then performed oral sex on the victim, inserted his fingers into her vagina and anus, and attempted to insert his penis into her vagina. The victim recalled that she protested that the Defendant was hurting her and continued her attempts to fight him off her throughout the rape. She noted that at one point, it felt as though the Defendant had inserted his "whole hand in[to her] vagina." She stated that the Defendant also painfully squeezed her breast.

After the Defendant "finished," he released his hold on the victim's legs. The victim got out of bed, collected her clothes and cell phone, and attempted to leave the bedroom; however, she found that the door was locked. She testified that she found this strange because she "never" locked her bedroom door. The victim unlocked the bedroom door and went into her bathroom. While in the bathroom, the victim received a phone call from her daughter, and the victim informed her that the Defendant had raped her.

The victim recalled that she reentered her bedroom after her phone call with her daughter to find the Defendant sitting on the bed. The victim told the Defendant he had taken "what [he] wanted" and instructed him to "[g]et rid of the pictures." The victim testified she watched the Defendant delete "some" of the nude photographs. The victim then went to her mother's bedroom to visit her, where she sat on her mother's bed. She stated that she did not inform her mother that she had been raped, but she believed her mother "knew something had happened." The victim then took a shower and returned to her bedroom to prepare for work.

When the victim returned to her bedroom, she noticed that the Defendant had made the bed and left the bedroom. She stated that she found this strange because the Defendant "never" made the bed, so she pulled back the blankets and discovered "three long cuts" in her bed. She stated that the cuts had not been present earlier that morning. The victim took photographs of the cuts, got dressed for work, and went to sit in the living room. She

recalled that she saw the Defendant sitting on the front porch and smoking marijuana and that he sent her a text message asking if she would like to join him approximately ten minutes before she left for work. The victim declined the Defendant's invitation and went to work.

The victim testified that she worked a "desk job" and that the injuries she sustained following her rape made it difficult to sit in her chair throughout the workday. She stated that she did not "really interact" with her coworkers as she typically would. She also recalled that she and the Defendant exchanged text messages between 2:31 p.m. and 5:08 p.m. She testified that the Defendant asked if he could withdraw \$80 from their joint savings account to help his son purchase a new tire. The victim denied this request, stating that the money in the savings account was "for a bill." The Defendant and the victim began arguing about their finances, culminating with the victim's texting the Defendant, "Maybe you should have thought about needing something from me before you raped me this morning." The victim testified that the Defendant did not respond to this text message and that she did not communicate with him until the following day. Photographs of these text messages were shown to the jury.

The victim recalled that she returned home after work. She stated that she did not speak at length with anyone while at home, beyond small talk with her mother, because she felt she could not "be around anybody." Later that evening, the victim collected a change of clothes and took a bath to relieve the pain from her injuries. As she got dressed following her bath, she noticed that her underwear looked as though it had been intentionally stained with feces. The victim recalled feeling "sick" to her stomach, and when she returned to her bedroom, she found that every pair of her underwear had been similarly stained. She stated that the Defendant would have access to her clothing while he moved out of the home earlier that day.

The victim testified that she began receiving text messages from the Defendant early on the morning of July 3, 2022, informing her that he had accidentally taken some of the victim's clothing with him and that he had forgotten some of his possessions while moving out of S.H.'s home. The victim asked the Defendant what he put in her underwear and sent him a picture of her stained underwear. The Defendant responded that he did not know "what that is." When the victim sent the Defendant another picture of her stained underwear, he averred that S.H. had washed them. He also stated that he had taken the victim's underwear out of a dresser that he took with him during his move and placed them on her bed. He denied staining her underwear and noted additional property he had inadvertently left behind during the move. Photographs of these text messages were shown to the jury.

The Defendant also noted during the text conversation that the victim had “cleaned out the bank” account. The victim stated that although she and the Defendant had previously divided their marital funds into two separate bank accounts, either individual could access the other’s account through their bank’s mobile application. She testified that she withdrew “at least a couple of hundred dollars” from her checking account and \$300 from her savings account because she was concerned that the Defendant would take it following their previous text conversation.

The victim testified that after her text conversation with the Defendant, she told her mother and her brother that she had been raped. She stated that C.H. promptly began texting someone after she told him of her rape. She further noted that she asked her son-in-law for assistance in collecting the remainder of the Defendant’s possessions left at her mother’s home and loading them into the Defendant’s Chevrolet Tahoe truck, which he had also left at her mother’s home. The victim’s son-in-law then drove the Defendant’s truck to a nearby gas station and left it to be collected by the Defendant.

The victim stated she was unsure if she should go to the hospital to report her rape or seek treatment for her injuries immediately after her rape. However, her daughter insisted that she “get checked” because of the persistent pain she felt, and the victim ultimately visited the hospital on July 3, 2022. While there, the Defendant repeatedly called the victim, and when she did not answer his phone calls, the Defendant began sending her text messages. The victim testified that at 12:42 p.m., the Defendant sent her a text message stating that he needed the keys to his Tahoe. She testified that she responded at 2:04 p.m. by texting, “Quit calling me[.] I don’t want to talk to you[.] I’m done[.] you have your s***[.] leave me [al]one[.]” The Defendant replied, “You need to talk to me,” and sent the victim a photograph of her vagina. The victim did not respond, and between 2:21 p.m. and 5:20 p.m., the Defendant sent the victim the following series of text messages:

Timestamp	Message
2:21 p.m.	You need to answer the phone
2:48 p.m.	I want the rest of my stuff
2:55 p.m.	Just so you know I still have like 50 or more
2:57 p.m.	Different poses you smiling and in the pictures having fun
3:26 p.m.	So tell your little butch boy brother to sti the f*** down and shut f*** up
3:27 p.m.	Cuz once they are out there you can’t get them back
3:28 p.m.	So keep passing me off
3:30 p.m.	I want the rest of my stuff undamaged
3:31 p.m.	Do you need a list
4:07 p.m.	Do you want a list or what
4:10 p.m.	I definitely need my motor mounts

4:10 p.m.	Those are on the front porch
4:29 p.m.	Still no answer not a good idea
4:33 p.m.	You said to stop calling
4:35 p.m.	I did that now talk to me here then
4:39 p.m.	I want the rest of my stuff
5:17 p.m.	You need to bring those mounts to a public place Walmart parking lot right in front of the cameras
5:20 p.m.	And keep your b****boy brother on his f***** leash

The victim testified she did not respond to these text messages. She stated that she believed the Defendant sent her a photograph of her vagina to threaten her, explaining that she interpreted it as a threat to publish her nude photographs unless she returned his property. Photographs of these text messages were shown to the jury.

The victim further testified that she spoke with three law enforcement officers while she was at the hospital and that the Defendant repeatedly called her throughout her interviews with the officers. She stated that she placed a recorded phone call to the Defendant following her interview. She recalled that she intended to get the Defendant “to admit what he had done,” but the conversation shifted to the division of their marital property.

After visiting the hospital, the victim went to the Nashville Sexual Assault Center, where she was examined by a nurse. The victim testified that the nurse informed her she had suffered “lacerations” and “friction burns” to her vagina. She stated that the nurse collected vaginal swabs and completed a rape kit during her examination. She also stated that she suffered bruising to her breast and inner thighs. Photographs of the victim’s bruises were shown to the jury. The victim agreed that these photographs were taken more than twenty-four hours after her rape.

The victim testified that she later formally filed for a divorce from the Defendant. She averred that she did not receive “anything substantial” from the division of the marital property but that the Defendant took “just about everything.” She stated that the remainder of the Defendant’s property was removed from her mother’s home after the victim’s rape.

On cross-examination, the victim testified that she consented to the Defendant’s taking “a couple of different sets” of nude photographs of her approximately one to two years prior to the offenses. She noted that some of the photographs also included the Defendant. While she stated she “assumed” the photographs would remain private and be seen only by herself and the Defendant, she conceded she did not “specifically say that” when the Defendant took the photographs. She also noted that the Defendant threatened

to publish the photographs online unless she agreed to have sexual intercourse with him on the evening of July 1, 2022.

The victim testified that she told the Defendant to stop during her rape loudly enough that she could have been heard from across the home. She stated that her mother's home was large and that she believed no one heard her because "nobody came" in response.

The victim further noted that she agreed to go to the hospital on July 3, 2022, only if her family members helped her in collecting the remainder of the Defendant's possessions and removing them from the home. She stated that although she and the Defendant had little property in common to divide, she insisted on keeping the washing machine.

The victim's daughter testified that the Defendant was her former stepfather and that she had known him for approximately thirteen years. She stated that she had a very close relationship with the victim, noting that at the time of the offenses, they typically spoke on the phone each morning. She recalled that during their daily phone call on July 2, 2022, she discerned from the victim's tone of voice that she was upset. When she asked the victim what was wrong, the victim informed her that the Defendant had raped her. She testified that she "freaked out" and that she later took the victim to the hospital in Sumner County.

The victim's daughter also testified that she took the victim to Nashville for a sexual assault examination. She stated that she took the victim's cell phone while driving her to Nashville and recalled that the victim received between thirty and forty phone calls over the span of three or four hours. She also noted that the victim received a number of text messages in this timeframe, which the victim's daughter reviewed. She testified that in one message, the Defendant sent the victim a photograph of the victim's vagina and threatened to "leak" similar photographs unless the victim answered the Defendant's phone calls.

The victim's mother testified that the Defendant had been her son-in-law for approximately fourteen years prior to his and the victim's divorce. She recalled that at the time of the offenses, she and the victim would talk and drink coffee together each morning. On the morning of July 2, 2022, the victim entered her mother's bedroom and sat on her bed. She recalled that she could tell by the look on the victim's face that "something really bad ha[d] happened" but averred that she was unsure of what to do to comfort the victim. She stated that she "decided to just sit there" and that the victim eventually informed her that she was going to take a bath.

The victim's mother further testified that the victim later told her and the victim's brother that the Defendant had raped her. She stated that she had not heard anything that alerted her to the victim's rape that morning, although she noted that her bedroom was at the opposite end of the home from the bedroom the victim and the Defendant shared and that she had been watching television with her door shut at the time of the offenses. She described her home as large, with two floors and eight bedrooms.

The victim's mother testified that she did "a lot" of the laundry for the residents of her home. She recalled that on the evening of July 2, 2022, the victim showed her that "every pair" of her underwear had been stained. She also recalled that the victim accused the Defendant of intentionally staining her underwear. She did not recall washing the victim's underwear in the days immediately preceding the offenses. She stated that she later provided the victim's clothing and stained underwear to an officer who visited her home.

The victim's brother testified that he lived with the victim and the Defendant at their mother's home for approximately three years before the offenses. He stated he believed he came to know the Defendant "well" during this time. He recalled that he immediately began texting the Defendant after the victim told him the Defendant had raped her. He testified that he texted the Defendant, "You're mine," to which the Defendant responded, "Don't threaten me." When he accused the Defendant of raping the victim, the Defendant responded, "Still my wife," and "Step off." The victim's brother testified that he and the Defendant then began exchanging threats to fight one another. Photographs of these text messages were shown to the jury.

The victim's brother recalled that the Defendant later visited their mother's home to collect a trailer. He stated that he exited his home and approached the Defendant when he arrived, and that the Defendant "pulled a machete out of his truck." He testified he told the Defendant that he "had something for him" and reentered his home; when he came back outside, the Defendant was gone.

Meagan Adams, a nurse practitioner at the Nashville Sexual Assault Center, testified as an expert in medical sexual assault treatment and evidence collection. Nurse Adams recalled that she interviewed the victim and examined and treated her injuries on July 3, 2022. Reading from her report of the victim's interview, Nurse Adams testified that the victim stated the Defendant got on top of her soon after she awoke and turned her alarm clock off on the morning of July 2, 2022. The victim reported that the Defendant performed oral sex on her, inserted his fingers into her vagina and anus, painfully grabbed her breast, and attempted to "forcefully" insert his penis into her vagina. The victim noted that "[i]t felt like he was putting his whole hand" inside her.

Nurse Adams testified that during her physical examination of the victim's body, she noted that the victim had suffered bruising to her "breasts and extremities." She stated these bruises were consistent with the victim's recollection of the offenses. She also noted that the victim had suffered several lacerations and abrasions to her vagina in various locations. Although Nurse Adams testified that she rarely saw "this many injuries on the vagina" and that some of the abrasions were common results of rape, they could also be caused by consensual sexual intercourse. Nurse Adams further noted that she collected evidence from the victim to complete a rape kit.

On cross-examination, Nurse Adams testified she photographed the bruises on the victim's breasts and thighs. She stated she did not document any other bruises on the victim's body. She reiterated that the victim's injuries could have been caused by either consensual or nonconsensual sex.

Detective Bryan Ashley of the Sumner County Sheriff's Office ("SCSO") testified that on July 3, 2022, he traveled to the Sumner Station Medical Center to investigate the victim's report that she had been raped. Detective Ashley stated he interviewed the victim along with SCSO Deputy Dakota Franklin. Detective Ashley recalled that during the interview, the victim stated the Defendant "jumped on her" soon after she awoke and turned off her alarm clock on the morning of July 2, 2022. The victim reported that the Defendant then performed oral sex on her, "pinned her legs back," inserted his fingers into her vagina and anus, and attempted to insert his penis into her vagina.

Detective Ashley testified that the victim's daughter kept the victim's cell phone throughout his interview with the victim and that the victim informed him that the victim "kept getting" text messages and phone calls from the Defendant. At approximately 4:00 p.m., the victim agreed to make a recorded phone call to the Defendant in the presence of Detective Ashley. A recording of this phone call was played for the jury. During the call, the victim asked the Defendant why he had been repeatedly calling and texting her, and the Defendant responded that he wanted the rest of his property from her mother's home. After discussing the issue of the Defendant's property, the victim asked the Defendant "what made [him] rape [her]." The Defendant responded that he believed they "had an agreement" based on "the way everything went on." The Defendant stated that he asked the victim if she was "okay with that" shortly after she awoke, and that she responded, "Okay." The victim replied that she did not recall making that statement. The Defendant also stated that he "blacked out" after he heard the victim say "okay" and that he "came back" after the encounter when the victim began to get dressed. The Defendant agreed that he cut up the victim's bedsheets after the victim left the home, stating he did so because he did not want another man sleeping on bedsheets he had purchased.

The Defendant agreed that the victim asked him to delete the victim's nude photographs. He noted that he had recently discovered two additional "folders" on his cell phone containing more of the victim's nude photographs. He maintained that he wanted to retrieve his property from the victim's mother's home. The Defendant specifically noted that he wanted to retrieve the washing machine, and the victim responded that he could not have it. The Defendant conceded the issue, but he noted shortly before the call ended that "once they're out there, they're out there."

Detective Ashley testified that at approximately 10:00 p.m., he interviewed the Defendant at the SCSO, and a recording of this interview was played for the jury. During the interview, the Defendant described his marriage with the victim as initially "perfect" but noted that it began to deteriorate when having sexual intercourse became difficult following the victim's hysterectomy. He stated that his relationship with the victim had been particularly difficult in the past four years and that it had worsened since he and the victim moved in with S.H. He reported that the victim first told him she wanted a divorce about two or three weeks prior to the offenses. While the Defendant did not want a divorce, he nevertheless agreed to one.

The Defendant stated that he and the victim discussed having sexual intercourse one final time before he moved out of her mother's home shortly before they went to sleep on July 1, 2022. He recalled that when he and the victim awoke the following morning, he reiterated his request to have sexual intercourse, and the victim agreed by stating, "Okay." The Defendant stated that he and the victim then had consensual sexual intercourse. He agreed that he had digitally penetrated the victim's anus and vagina, although he averred that he did not realize he had digitally penetrated the victim's anus until the victim complained that it hurt, at which point he stopped. The Defendant estimated the entire encounter lasted four minutes, and stated that afterwards, the victim got out of bed and said she had not wanted to "do that." He denied that the victim asked him to stop or physically attempted to push him away at any point during the encounter, although he averred that he did not vividly remember it.

The Defendant told Detective Ashley that he possessed nude photographs of the victim on his cell phone, which the victim "gave" him approximately three years previously. He stated that he told the victim he would show her nude photographs to "somebody," but he stated he only did so to "get under her skin," averring he never intended to actually distribute the victim's photographs. He agreed that he wanted to retrieve his property from her mother's home and denied that he threatened the victim to ensure he could do so.

Following Detective Ashley's testimony, the State read several stipulations to the jury. The parties stipulated that SCSO deputies collected the victim's underwear into

evidence and took vaginal, buccal, and external genitalia swabs from the victim. SCSO deputies also collected buccal swabs from the Defendant. This evidence was preserved and sent to the Tennessee Bureau of Investigation for examination. The parties further stipulated that Special Agent Carrie Schmittgen was an expert in forensic science and that she analyzed evidence collected from the victim and the Defendant. Special Agent Schmittgen's analysis concluded that the Defendant's sperm was present in the victim's underwear and that his DNA was present in the victim's vaginal and external genitalia swabs.

The State rested. Following a *Momon* colloquy, the Defendant elected to testify.

The Defendant testified that at the time of the offenses, he and the victim had been married for fourteen years and lived together in the victim's mother's home. He described their marriage as initially "awesome," but noted that the victim's attitude toward him "changed" following her hysterectomy. He stated that the victim acted as the leader in their marriage and noted that he had to get the victim's approval before withdrawing any funds from their joint bank account. He recalled that the victim first informed him of her desire to get divorced in May of 2022. He stated that this request was surprising to him because they had been "getting along" at that time.

The Defendant stated that the victim first agreed to his taking nude photographs of her five or six years before the offenses and consented to his doing so again approximately two years before the offenses. He recalled that one evening, as he and the victim drove to visit the victim's daughter, the victim asked the Defendant to delete the nude photographs. The Defendant testified that he responded, "Well, why don't me and you just do it one more time and I'll just get rid of them?" The Defendant stated that the victim laughed and did not respond to his request or comment further on the photographs.

The Defendant testified that on another evening prior to the incident, while he and the victim were together in their bedroom, the victim again asked him to delete the photographs. He stated that he again asked her to have sexual intercourse with him "one last time" before they divorced. He described their relationship at this point as civil.

The Defendant testified that he awoke before the victim on the morning of July 2, 2022, and began watching television. When the victim awoke, the Defendant got on top of the victim and attempted to remove her shorts and underwear. He stated that the victim assisted him in removing her clothes by repositioning her body and that he then performed oral sex on the victim. The Defendant testified that he digitally penetrated the victim's vagina and accidentally digitally penetrated her anus. When the victim complained that the anal penetration was painful, the Defendant removed his hand, but he "persisted" after the victim then stated that "everything was okay." The Defendant testified he also

unsuccessfully attempted to insert his penis into the victim's vagina. Afterwards, the Defendant moved away from the victim, and the victim got out of bed and "was all irritated and mad." The victim exited the bedroom and, upon returning, told the Defendant to delete the photographs because he "got what [he] wanted."

The Defendant denied causing any of the victim's bruises or other injuries. He testified that he had consensual sexual intercourse with the victim and denied that he raped her. He recalled that the victim texted him later that day and accused him of raping her. He stated he did not respond because he did not believe he had raped the victim. The Defendant also noted that he began repeatedly calling and texting the victim on July 3, 2022, because he needed to retrieve certain property he had forgotten at her mother's home and because he had received threatening text messages from her brother. He recalled that he later spoke with the victim on the phone regarding his attempts to retrieve his property and the victim's accusations of rape.

On cross-examination, the Defendant testified that although he and the victim occasionally disagreed during their marriage, he nevertheless always did as she asked and allowed her to "have the last say." Although he agreed that the victim had previously denied his requests to have sexual intercourse in exchange for his deleting the nude photographs, he maintained that the victim consented to having sexual intercourse on the morning of July 2, 2022. The Defendant stated that he denied the victim's requests to delete the nude photographs because he wanted to keep them "to remember the good times" in their marriage, as well as to ensure he "got all [his] belongings from the house." He agreed that he kept the photographs as a "fear tactic." He also averred that while he had no intention of distributing or publishing the photographs, he wanted the victim to think he would.

The Defendant denied that the victim suffered any injuries from their sexual intercourse and stated he had "no idea" how she sustained her injuries. He testified that the victim never asked him to stop during the encounter and that the only time she said she was in pain was when he inadvertently digitally penetrated her anus. The Defendant agreed that he cut the victim's bedsheets after she left for work and explained that he did so because he did not want the victim to sleep on them "with another man." He denied that he cut the victim's bedsheets to destroy any proof of the offenses.

The Defendant rested. Upon this proof, the jury convicted the Defendant as charged. Following a sentencing hearing, the trial court imposed an effective sentence of twenty-nine years' incarceration. The Defendant filed a timely, but unsuccessful, motion for a new trial, and this timely appeal followed.

II. ANALYSIS

On appeal, the Defendant challenges the sufficiency of the evidence for his convictions of aggravated rape and extortion. The State responds that the evidence was sufficient to sustain each of his convictions. We agree with the State.

“Findings of guilt in criminal actions . . . shall be set aside if the evidence is insufficient to support the findings by the trier of fact of guilt beyond a reasonable doubt.” Tenn. R. App. P. 13(e). The standard of appellate review on a challenge to the sufficiency of the evidence is “whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (emphasis in original) (citations omitted); *see also State v. Williams*, 558 S.W.3d 633, 638 (Tenn. 2018).

“A jury conviction removes the presumption of innocence with which a defendant is initially cloaked and replaces it with one of guilt, so that on appeal a convicted defendant has the burden of demonstrating that the evidence is insufficient.” *State v. Tuggle*, 639 S.W.2d 913, 914 (Tenn. 1982); *see also State v. Thomas*, 687 S.W.3d 223, 249 (Tenn. 2024) (citing *State v. Carruthers*, 35 S.W.3d 516, 557-58 (Tenn. 2000)). “On appeal, the State is entitled to the strongest legitimate view of the evidence and all reasonable and legitimate inferences which may be drawn therefrom.” *State v. Wilson*, 211 S.W.3d 714, 718 (Tenn. 2007) (citing *State v. Hall*, 8 S.W.3d 593, 599 (Tenn. 1999)). “We do not reweigh the evidence, because questions regarding witness credibility, the weight to be given the evidence, and factual issues raised by the evidence are resolved by the jury as the trier of fact.” *State v. Curry*, 705 S.W.3d 176, 183 (Tenn. 2025) (citations omitted). The same standard of review applies “whether the conviction is predicated on direct or circumstantial evidence, or a combination of both.” *Williams*, 558 S.W.3d at 638 (first citing *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011), and then citing *State v. Brown*, 551 S.W.2d 329, 331 (Tenn. 1977)).

As charged in this case, “[a]ggravated rape is unlawful sexual penetration of a victim by the defendant” where “[t]he defendant causes bodily injury to the victim.” Tenn. Code Ann. § 39-13-502(a)(2). “‘Sexual penetration’ means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of the victim’s . . . body, but emission of semen is not required[.]” Tenn. Code Ann. § 39-13-501(7). “‘Bodily injury’ includes a cut, abrasion, bruise, burn or disfigurement, and physical pain or temporary illness or impairment of the function of a bodily member, organ, or mental faculty.” Tenn. Code Ann. § 39-11-106(a)(3). Additionally, “[a] person commits extortion who uses coercion upon another person with the intent to . . . [o]btain property, services, any advantage or immunity.” Tenn. Code Ann. § 39-14-112(a)(1). Coercion includes “a threat, however

communicated,” made to “[e]xpose any person to hatred, contempt or ridicule.” Tenn. Code Ann. § 39-11-106(a)(4)(C).

Although the Defendant concedes the State sufficiently established the element of sexual penetration, he asserts the evidence is nevertheless insufficient to sustain his conviction of aggravated rape because the State failed to prove that the sexual penetration was nonconsensual or that he caused the victim’s bodily injuries. In support of this argument, he notes that his testimony contradicts the victim’s and that Nurse Adams testified the victim’s injuries could have been caused by consensual sexual intercourse. He posits that the victim’s injuries could have predated the offenses and that the timing of the examination of the victim’s injuries – more than twenty-four hours after the offenses – “allows for alternative explanations not adequately addressed by the State.” In sum, he asserts that Nurse Adams’s testimony was not conclusive and that “[w]ithout additional evidence . . . definitively indicating force, the jury’s reliance on [the victim’s] testimony alone does not meet the high threshold of proof beyond a reasonable doubt.”

The Defendant’s argument is unavailing for several reasons. First, although he contends that the evidence was insufficient because he raised doubts as to the victim’s credibility and presented “alternative explanations” for the causes of the victim’s injuries which the State failed to “adequately address[,]” these arguments center upon issues of witness credibility and the weight of the evidence, issues which are resolved by the jury, not the appellate court. *Curry*, 705 S.W.3d at 183. The Defendant’s theory of the case was that the victim and the Defendant had consensual sexual intercourse, and that afterwards, the victim fabricated her allegations of rape to ensure she got the marital property she wanted during the following divorce. He reiterated this theory throughout his cross-examination of the victim, during his own testimony, and during his opening statement and closing argument. Additionally, Nurse Adams testified that the victim’s injuries could have been caused by nonconsensual or consensual sexual intercourse, and the Defendant emphasized this during cross-examination. He also characterized the victim’s injuries as “not defensive” and argued that they could have been caused by consensual sexual intercourse during closing arguments. The jury heard each of these arguments and, upon consideration thereof, in conjunction with the remainder of the evidence presented at trial, rejected them.

The Defendant’s position that the victim’s testimony, alone, provided an insufficient basis to support the jury’s verdict of guilty is also unavailing. “It is well-settled law in Tennessee that the testimony of a victim, by itself, is sufficient to support a conviction.” *State v. Bonds*, 189 S.W.3d 249, 256 (Tenn. 2005) (internal quotation marks omitted) (quoting *State v. Strickland*, 885 S.W.2d 85, 87 (Tenn. Crim. App. 1993)). This court has repeatedly reaffirmed that well-settled principle. See, e.g., *State v. McCord*, No. M2023-01209-CCA-R3-CD, 2024 WL 4040901, at *6 (Tenn. Crim. App. Sept. 4, 2024) (“[T]he

victim's testimony alone is sufficient to support the defendant's convictions."), *perm. app. denied* (Tenn. Jan. 24, 2025); *State v. Enoch*, No. W2023-01032-CCA-R3-CD, 2024 WL 3261421, at *3 (Tenn. Crim. App. July 1, 2024) ("Indeed, the victim's testimony requires no corroboration to sustain a conviction."), *no perm. app. filed*; *State v. Cooper*, No. E2018-00622-CCA-R3-CD, 2019 WL 2185219, at *4 (Tenn. Crim. App. May 21, 2019) (finding the evidence adduced at trial sufficient to sustain the defendant's convictions because the victim's "testimony established the elements of all the offenses the [d]efendant was convicted of."), *perm. app. denied* (Tenn. Sept. 18, 2019).

The evidence adduced at trial, viewed in the light most favorable to the State, showed that shortly after the victim awoke on July 2, 2022, the Defendant got on top of her, pushed her legs so that her knees were in her ears, and sexually penetrated her despite her protestations of pain and pleas for him to stop. The victim testified that she did not consent to the Defendant's sexually penetrating her. She also recounted suffering great pain following her rape, and when she sought treatment the following day, she learned that she had suffered several lacerations and abrasions to her vagina, as well as bruises to her breast and inner thighs, which Nurse Adams testified could have been caused by nonconsensual sexual intercourse. This proof is sufficient to establish each element of the Defendant's conviction of aggravated rape.

The evidence is also sufficient to sustain the Defendant's conviction of extortion. Both the victim and the Defendant testified that the victim consented to the Defendant's taking nude photographs of the victim several years prior to the offenses. The parties also agreed that several days before the offenses, the victim asked the Defendant to delete the photographs, and the Defendant stated he would do so if the victim agreed to have sexual intercourse with him one last time before their divorce. The victim denied this request, but the Defendant persisted, reiterating it repeatedly over the following days. The day after he raped the victim, the Defendant began sending her text messages about certain property he had left at her mother's home. During this conversation, he sent the victim a photograph he had taken of her vagina, noted that he had at least fifty additional photographs, and reiterated his demands for the return of his property. He stated that once the photographs were "out there," the victim would not be able to "get them back," a thinly veiled threat which he reiterated during his recorded phone call with the victim. Additionally, the Defendant testified that he kept the photographs to use them as a "fear tactic" to ensure he "got all [his] belongings from the house." This proof is sufficient to establish each element of the Defendant's conviction of extortion. The Defendant is not entitled to relief.

III. CONCLUSION

Following our review of the record and based upon the foregoing analysis, we affirm the judgments of the trial court.

s/ *Steven W. Sword*

STEVEN W. SWORD, JUDGE