

## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



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## IN THE COURT OF APPEALS OF INDIANA

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Scott Allen Weldy,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

February 13, 2023  
Court of Appeals Case No.  
22A-CR-2315  
Appeal from the  
Marshall Superior Court  
The Honorable  
Robert O. Bowen, Judge  
Trial Court Cause No.  
50D01-2007-F1-4

**Memorandum Decision by Judge Vaidik**  
Judges Tavitas and Foley concur.

**Vaidik, Judge.**

- [1] Scott Allen Weldy appeals his conviction for Level 1 felony child molesting of four-year-old M.M. He argues the evidence is insufficient to support the conviction. To convict Weldy, the State had to prove that when he was at least twenty-one years old he performed an act involving his sex organ and the mouth of M.M., a child under fourteen. Ind. Code § 35-42-4-3(a); Appellant's App. Vol. II p. 113. At the bench trial, M.M. testified that one day she was picking flowers in her grandmother's backyard when Weldy, who was in his mid-forties and lived with M.M.'s grandmother, put his penis in or on her mouth and "pee" came out. Tr. p. 15. In finding Weldy guilty, the trial court found M.M.'s testimony to be "very credible." *Id.* at 88.
- [2] Weldy contends M.M.'s testimony is insufficient because (1) no other witness corroborated M.M.'s testimony, (2) M.M. didn't provide "other details" of the incident, like the time of day, and (3) M.M. didn't tell her grandmother about the incident after it happened. Appellant's Br. p. 7. But these are just requests for us to reweigh the evidence and judge witness credibility, which we do not do. *Willis v. State*, 27 N.E.3d 1065, 1066 (Ind. 2015). Also, it is well established that "[t]he testimony of a sole child witness is sufficient to sustain a conviction for molestation." *Hoglund v. State*, 962 N.E.2d 1230, 1238 (Ind. 2012), *reh'g denied*. We therefore affirm Weldy's conviction.
- [3] Affirmed.

Tavitas, J., and Foley, J., concur.