

Appellant-defendant Ramon Taylor appeals his convictions for two counts of Sexual Misconduct with a Minor,¹ a class B felony. Specifically, Taylor argues that (1) the prior consistent statements made by two witnesses were improperly admitted into evidence; (2) the transcripts of taped witness statements were erroneously admitted at trial; (3) the trial court erred in permitting two witnesses to testify regarding uncharged prior sexual contact with Taylor; (4) the evidence was insufficient to support the convictions; and (5) the trial court erred in refusing two of his proffered instructions. Finding no error, we affirm the judgment of the trial court.

FACTS

During the summer of 2004, M.T. was fifteen years old and Taylor, who was M.T.'s first cousin, was twenty-four years old. Sometime during that summer, Taylor drove M.T. to Brian Gray's Castleton-area apartment. Gray was the choir director of the St. John's Missionary Baptist Church (St. John's), which M.T. attended. M.T. also worked with Gray at the church as an assistant choir director.

When they arrived at the apartment, M.T. went to a back room and used a computer. When M.T. returned, he observed Taylor masturbating on a couch in the living room while watching homosexual pornography on the television. M.T. then performed oral sex on Taylor. At some point, Gray entered the room, and Taylor invited him to join in the sexual activity. As a result, Gray performed oral sex on M.T. Taylor then began to perform anal sex on M.T. but he stopped after M.T. stated that he was in pain.

Later that summer, M.T. spent the night at Gray's apartment. Taylor picked up M.T. from the residence the following morning and M.T. performed oral sex on Taylor while Taylor drove. Thereafter, Taylor drove M.T. to an apartment complex parking lot where they performed oral sex on each other in the vehicle. M.T. began to have anal sex with Taylor, but that act was interrupted when Gray called Taylor's cell phone and directed Taylor to return to the apartment.

On another occasion, Taylor went to M.T.'s residence and exposed himself to M.T. The two began to rub against each other until Taylor ejaculated. On August 5, 2004, M.T. told Kevin Manuel, a pastor at St. John's Church (St. John's), that Taylor and Gray had engaged in sexual activity with him. As a result, Reverend Manuel met with M.T.'s mother, Jennifer Hogan, and relayed the information that he had received from M.T. In response, Hogan contacted Child Protective Services (CPS) on August 10, 2004.

Reverend Manuel spoke with Gray about the accusations on several occasions. Gray eventually admitted that he had engaged in sexual activity with M.T. and told Reverend Manuel details that were consistent with M.T.'s version of events. Thereafter, on August 20, 2004, Reverend Manuel accompanied Gray to the Indianapolis Police Department. After being interviewed by Detective Steven Buchanan, Gray was arrested. Thereafter, on August 24, 2004, Taylor was arrested and charged with five counts of sexual misconduct with a minor as a class B felony and one count of sexual misconduct with a minor as a class C felony.

On June 27, 2005, Gray pleaded guilty to various offenses involving M.T. and another victim. Gray also promised to provide truthful testimony in Taylor's case. In exchange, the State agreed to dismiss several charges and to place a thirty-year cap on the executed portion of Gray's sentence.

When Taylor's jury trial commenced on November 7, 2005, M.T. testified about his sexual contacts with Taylor, including the events that took place in the vehicle. Reverend Manuel testified that M.T. had a reputation as a model child in the St. John's community. However, Taylor's sister testified that within their family, M.T. had a reputation for not being truthful.

Taylor cross-examined Gray regarding the plea agreement. During his testimony, Gray acknowledged that although the agreement called for a sentencing cap of thirty years, he could receive as few as twenty years. Taylor inquired twice as to whether Gray's sentence would be affected by the testimony that he gave at trial. The State sought to rebut the implication raised by Taylor's questions, namely, that Gray had fabricated his testimony in exchange for a favorable plea agreement, by playing a tape of Gray's prior consistent statement that he had given to Detective Buchanan on August 20, 2004. Taylor objected to the playing of the taped statement because it contained information regarding sexual contact between Gray and Taylor that occurred outside the relevant timeframe and because it was redundant since Gray was a witness. The trial court made a preliminary ruling that the tape was admissible. After reviewing a transcript of Gray's statement, Taylor agreed that Gray's taped statement was consistent with his trial testimony, and the tape and transcript were

offered into evidence during the direct examination of Detective Buchanan. Taylor objected to the admission of the tape and transcript on the basis that they were redundant, given the statements that had already been admitted. The trial court overruled the objection but admonished the jury that only the tape was evidence, that if there was a discrepancy between the tape and the transcript that the tape would control, and that the transcript was to serve merely as a guide for the jury. Thereafter, the tape and the transcript were admitted into evidence, and the tape was played for the jury. The jury did not take the transcript of the Gray interview into the deliberation room.

Taylor also cross-examined M.T. about the possibility that a lawsuit would be filed against St. John's. M.T. testified that he knew his father had discussed a possible lawsuit with an attorney, that his father believed that someone had to pay money for what had happened, and that his father had told him that any money awarded in a suit would be held for him until his twenty-first birthday.

After M.T. testified, the State sought to introduce the tape of an August 12, 2004, interview with James Gregory of CPS to rebut the implication that M.T. fabricated his testimony to further a lawsuit. Taylor objected on the grounds that the tape was redundant, that it contained leading questions, that the statement was not subject to cross-examination, and that it prejudiced him to remind the jury of those allegations. Taylor then agreed to the admission of the taped interview with Gregory subject to an admonishment to the jury that the tape was only being admitted to show the nature of M.T.'s version of events prior to any discussions about a lawsuit. After reviewing a transcript, Taylor agreed that the statement

was consistent with M.T.'s trial testimony. Thus, the tape and the transcript were admitted into evidence and published to the jury after the trial court issued its admonishment.

The trial court also issued a pretrial ruling that evidence of Taylor's sexual contacts with M.T. and Gray prior to the summer of 2004 was not to be admitted at trial. Taylor testified at trial and denied that he had had any sexual contact with M.T. When recounting his version of events concerning the incident in Gray's apartment, Taylor testified that M.T. asked him if Taylor would ever allow another man to perform oral sex on him. Taylor responded "no, because I never in my life done nothing like that. I don't even go that way. I never in my life done nothing like that." Tr. p. 516. Taylor also testified that he did not know Gray, did not know where Gray lived before he went to the residence with M.T., and that he did not associate with Gray. Thereafter, the trial court reversed its prior ruling and permitted the cross-examination of Taylor regarding previous sexual contacts with M.T. and Gray. On cross-examination, Taylor denied ever engaging in sex with Gray or M.T., and denied that he had molested M.T. when M.T. was seven years old.

M.T. testified on rebuttal examination that when he was approximately seven years old, he had performed oral sex on Taylor. Gray testified on rebuttal examination that he had known Taylor since childhood from St. John's and that they began to have a sexual relationship when Gray was sixteen years old. Gray acknowledged that his sexual relationship with Taylor consisted of performing oral sex on him and that the episodes continued until the summer of 2004.

Following the close of the evidence, Taylor tendered a proposed instruction that

provided that evidence produced at trial about M.T.'s reputation as being untruthful raised a reasonable doubt about Taylor's guilt. Taylor offered another instruction that provided that on occasion, one's family or church community may be sufficiently large to provide a reliable opinion about a witness's reputation. The trial court rejected both instructions, concluding that they unduly stressed only one witness's testimony. However, the trial court did instruct the jury as to how it was to determine the value of witness testimony.

During deliberations, the jury indicated that it wished to rehear the tape of the M.T. interview. Taylor objected to the playing of the tape because it would re-expose the jury to that evidence and overemphasize it. The trial court admonished the jury before the transcript was handed to them that it was only to be used as an aid. The tape and transcript were then re-published to the jury in open court. The jury did not take the transcript with them when they returned to the jury room.

At the conclusion of the trial, Taylor was found guilty as charged except for one count that pertained to an incident of anal sex with M.T. in a vehicle. On April 13, 2006, Taylor was sentenced to an aggregate term of twenty years of incarceration. He now appeals.

DISCUSSION AND DECISION

I. Admission of Taped Statements

Taylor argues that the trial court improperly admitted prior consistent statements of Gray and M.T. when the State introduced them for purposes of rebuttal. Specifically, Taylor claims that the playing of videotaped statements to the jury that were made by Reverend Manuel, Gray, or M.T. were merely repetitions of the "live" testimony that was presented at

trial. Moreover, Taylor contends that the statements contained “substantial leading and suggestive questions for answers to the witnesses without the benefit of cross-examination.” Appellant’s Br. p. 17.

In resolving this issue, we first note that the admission of evidence is a matter within the sound discretion of the trial court. Dawson v. State, 786 N.E.2d 742, 745 (Ind. Ct. App. 2003). The decision to admit evidence will not be reversed absent a showing of manifest abuse of discretion resulting in the denial of a fair trial. Id. An abuse of discretion occurs when a decision is clearly against the logic and effect of the facts and circumstances before the trial court. Id. When reviewing the admissibility of evidence, we consider only the evidence in favor of the trial court’s ruling and any unrefuted evidence that is favorable to the defendant. Id.

At trial, Taylor conducted an extensive cross-examination of Gray regarding his plea agreement with the State, implying that Gray had fabricated his testimony to obtain a favorable deal from the State. Tr. p. 313-16. Thereafter, the State rebutted that implication when the trial court permitted it to play a tape of Gray’s statement that he had given to Detective Buchanan on August 20, 2004. Under these circumstances, Taylor asserts that the tape of Gray’s interview with Detective Buchanan constituted inadmissible hearsay evidence because the statement was made after the motive for Gray to lie arose.

It is apparent, however, that Gray’s statements were made prior to the alleged motive for him to lie arose. And, in accordance with Indiana Evidence Rule 801(d)(1)(B), a statement is not hearsay if the declarant testifies at the trial or hearing and is subject to cross-

examination concerning the statement, and the statement is “consistent with the declarant’s testimony, offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, and made before the motive to fabricate arose.” Sturgeon v. State, 719 N.E.2d 1173, 1177 (Ind. 1999).

To be admissible under Evidence Rule 801(d)(1)(B), the declarant’s motive to fabricate had to have arisen after the prior statement was made. Id. The Sturgeon court further observed that every person involved in the criminal activity at issue or who witnesses a crime arguably has a motive to fabricate for fear of prosecution for his involvement or for failing to report the crime. Id. Furthermore, it was observed that automatically imputing a motive to fabricate might so envelop the prior consistent statement rule as to prevent the admission of the prior statement of any person able to provide first-hand knowledge of the crime. Id. Although a motive to fabricate likely arises immediately upon the commission of the crime if the declarant is a co-defendant, the Sturgeon court also recognized that the issue of when a motive to fabricate arises must be determined on a case-by-case basis. Id. at 1178-79.

In this case, the evidence showed that Gray voluntarily went to the police station, accompanied by Reverend Manuel. Tr. p. 343. Gray testified that no one had promised him anything before he agreed to speak with Detective Buchanan. Id. Gray made a statement prior to his arrest, and he was under the impression that he would not be arrested after speaking with law enforcement officers. Id. at 343, 369. Gray fully implicated himself in at least two additional offenses that he committed against M.T., which did not involve Taylor.

Thus, because Gray voluntarily made his statement and implicated himself when speaking with Detective Buchanan, Taylor has failed to establish that Gray had a motive to fabricate when he spoke to Detective Buchanan. Hence, the trial court properly admitted Gray's statement into evidence in accordance with Evidence Rule 801(d)(1)(B).

The record also shows that Taylor conducted a lengthy cross-examination of M.T. about M.T.'s knowledge of a lawsuit that might be filed against St. John's. Id. at 154-57. In essence, Taylor's cross-examination raised the implication that M.T. had fabricated his testimony to further a lawsuit. Id. As a result, the trial court permitted the State to introduce a tape of M.T.'s statement that he had made to CPS personnel to show that M.T.'s version of events was the same before and after any suggestion of a lawsuit arose. However, Taylor challenges the admission of M.T.'s statement based on the fact that St. John's could not be held liable for Taylor's actions because he was not an employee of the church. Therefore, Taylor insists that there was no need to rebut the implication that M.T. had fabricated his testimony. However, the clear implication of Taylor's cross-examination was that M.T. had fabricated his testimony to further his interest in collecting damages against the church. The record shows that M.T. provided his statement on August 12, 2004—well before any evidence showed that a lawsuit might arise. Id. at 490. Therefore, we conclude that the trial court properly admitted M.T.'s prior statement to rebut the implication that M.T. had fabricated his testimony.

II. Admission of Transcripts

In a related issue, Taylor argues that the trial court erred in admitting transcripts of

Gray's and M.T.'s taped interviews. Specifically, Taylor asserts that because he did not explicitly agree to the admission of the transcripts and because there was no evidence that the transcripts would aid the jurors, the trial court abused its discretion in admitting that evidence.

In general, we note that transcripts are generally used to aid the jury in understanding portions of audio and videotapes that are confusing, difficult to hear, or otherwise inaudible. Blanchard v. State, 802 N.E.2d 14, 30 (Ind. Ct. App. 2004). Transcripts should be admitted into evidence only when both sides stipulate to their accuracy and agree to their use in evidence. Id. Also, the trial court should admonish the jury regarding the use of transcripts as aids and that the evidence is what they hear rather than what they read. Id. at 30.

Here, the trial court admitted the transcripts of the statements into evidence to assist the jurors as they listened to tapes of Gray's and M.T.'s statements. Before doing so, the trial court issued the following admonishment:

Ladies and gentlemen, I'm going to overrule the objection and admit it, but, ladies and gentlemen, the transcripts themselves are not evidence. The tape is what's the evidence. They're being offered to assist you as you listen to the tape. But if you think you hear something different than what's on the transcript, you're to go by what you think you hear and not what's in the transcript. So they're being offered as a guide, but not as the substantive evidence itself. Only the tape is the substantive evidence in the case.

Tr. p. 371, 495.

As noted above, this admonishment informed the jury that the evidence was the audio tape itself and not the transcript of the statements. Although Taylor did not stipulate to the admission of the transcript, he did not object to the accuracy of the transcripts. Id. at 370-71,

493. Thus, the transcripts were merely cumulative of the evidence presented by the tapes, and it is apparent that the trial court carefully admonished the jury concerning the limited use of the transcripts. Therefore, any error that resulted from the admission of the transcripts was harmless. See Blanchard, 802 N.E.2d at 30.

Notwithstanding the above, Taylor also asserts that his convictions must be reversed because the jury was exposed to a “drum beat of evidence” about M.T.’s version of events, inasmuch as the jury heard the tapes at trial and also during the deliberations. Appellant’s Br. p. 22-23. However, while the jurors were exposed to the tapes and the transcripts simultaneously, and the transcripts presumably aided in the jurors’ comprehension of the tapes, Taylor has failed to show that the jurors may have been more influenced by the substance of the tapes because of the transcripts. Also, as noted above, the jury did not take the transcripts into the deliberation room. Tr. p. 645. Also, before the jury reheard M.T.’s taped statement, the trial court again issued its admonishment. Hence, we conclude that the playing of M.T.’s statement on two occasions did not constitute a drumbeat of evidence. And, because the transcripts were merely cumulative of the audiotapes, their admission does not provide grounds for reversal.

III. Prior Uncharged Acts

Taylor contends that the trial court erred in admitting evidence that Taylor had previous sexual contacts with Gray and M.T. Specifically, Taylor argues that his convictions must be reversed because the evidence violated the provisions of Indiana Evidence Rule 404(b) regarding prior uncharged acts of misconduct. Moreover, Taylor maintains that the

evidence was irrelevant and highly prejudicial to him.

In addressing these contentions, our Supreme Court has determined that even when irrelevant and prejudicial evidence is admitted at trial, there is no error if the defendant “opens the door” to questioning with regard to that evidence. Kubsch v. State, 784 N.E.2d 905, 919 (Ind. 2003). Evidence relied upon to open the door must leave the trier of fact with a false or misleading impression of the facts related. Carroll v. State, 740 N.E.2d 1225, 1230 (Ind. Ct. App. 2000).

In this case, the trial court granted Taylor’s motion in limine to exclude any evidence of sexual contacts with Gray and M.T. prior to the summer of 2004. However, Taylor testified in response to an inquiry about whether he would ever permit another man to perform oral sex on him, that he had never “done anything like that.” Tr. p. 516. Taylor also claimed that he did not know Gray, did not know where Gray lived before he went to Gray’s apartment with M.T., and that he did not associate with Gray. Id. at 508, 510. Hence, it is apparent that Taylor’s testimony established a false and misleading impression that he had never engaged in oral sex with a male and that he had little or no prior contact with or knowledge of Gray before going to his apartment with M.T. Therefore, the trial court properly determined that the State could cross-examine Taylor concerning his testimony and offer evidence to rebut the false impression that he had created. Carroll, 740 N.E.2d at 1225.

The State then cross-examined Taylor concerning his testimony and offered rebuttal testimony from M.T. and Gray. Tr. p. 549-56, 559-83. During cross-examination, Taylor denied that he had ever had sexual contact with Gray or M.T. Id. at 549-50, 555-56.

However, during rebuttal examination, M.T. and Gray testified that they had sexual contact with Taylor prior to the summer of 2004. Id. at 561-62, 573-75. Although Taylor also contends that evidence of his prior sexual contact with M.T. and Gray was not relevant, Taylor certainly rendered the evidence relevant when he denied ever engaging in oral sex with a man and the existence of an ongoing relationship with Gray.

Finally, Taylor argues that reversal is warranted because Gray and M.T. had already testified and their subsequent testimony unfairly prejudiced him and portrayed him as a child molester and a homosexual. M.T. testified on rebuttal examination that when he was approximately seven years old, he had performed oral sex on Taylor. Id. at 561-62. Gray testified on rebuttal that he had known Taylor since childhood from St. John's and that they began to have a sexual relationship when Gray was sixteen years old. Id. at 574. Gray also testified that the relationship consisted of him performing oral sex on Taylor and that the episodes continued until the summer of 2004. Id. at 574-75.

Granted, Evidence Rule 403 provides that evidence whose prejudicial effect substantially outweighs its probative value is excludable. However, we note that both M.T. and Gray testified in a concise manner and that their testimony was not given in an emotional or graphic way. Hence, there is no indication that their testimony unduly inflamed the jury. As a result, we cannot say that the probative value of the evidence was substantially outweighed by its potential prejudicial effect. Thus, the admission of this testimony did not amount to reversible error.

IV. Sufficiency of the Evidence

Taylor next contends that the evidence was insufficient to support his conviction of two counts of sexual misconduct with a minor² that involved the offenses that he committed against M.T. in the vehicle. Specifically, Taylor argues that those convictions must be set aside because M.T.’s testimony was “incredibly dubious and highly improbable.” Appellant’s Br. p. 7.

As we consider Taylor’s challenge to the sufficiency of the evidence, we will neither reweigh the evidence nor judge the credibility of witnesses. Vasquez v. State, 741 N.E.2d 1214, 1216 (Ind. 2001). Rather, we will examine the evidence and the reasonable inferences that may be drawn therefrom that support the verdict and will affirm a conviction if there is probative evidence based on which a jury could find the defendant guilty beyond a reasonable doubt. Id. Put another way, we will affirm unless “no rational fact-finder” could have found the defendant guilty beyond a reasonable doubt. Clark v. State, 728 N.E.2d 880, 887 (Ind. Ct. App. 2000).

However, “[w]ithin the narrow limits of the ‘incredible dubiousity rule, a court may impinge upon a jury’s function to judge the credibility of a witness.” Love v. State, 761 N.E.2d 806, 810 (Ind. 2002). If a sole witness presents inherently improbable testimony and there is a complete lack of circumstantial evidence, a defendant’s conviction may be reversed. This is appropriate only where the court has confronted inherently improbable testimony or coerced, equivocal, wholly uncorroborated testimony of incredible dubiousity. Application of this rule is rare and the standard to be applied is whether the testimony is so

² Taylor does not challenge the sufficiency of the evidence supporting the remaining counts.

incredibly dubious or inherently improbable that no reasonable person could believe it. Id.

To prove beyond a reasonable doubt that Taylor committed this offense as alleged in the first count, the State was required to show that Taylor submitted to oral sex by M.T., that M.T. was between fourteen and sixteen years of age at the time of the offense, and that Taylor was at least twenty-one. I.C. § 35-42-4-9; Appellant's App. p. 136-37. The remaining count carried the same burden of proof regarding the ages of M.T. and Taylor, but the State was also required to show that Taylor performed oral sex on M.T. I.C. § 35-42-4-9; Appellant's App. p. 137.

At trial, M.T. testified that during the summer of 2004, he was fifteen years old and went for a car ride with Taylor. Tr. p. 85, 369. At that time, M.T. performed oral sex on Taylor while Taylor drove the vehicle. Id. at 99. M.T. also testified that Taylor drove to an apartment complex parking lot, where they performed oral sex on each other in a passenger space behind the front seats of the vehicle. Id. at 100-01. M.T. also acknowledged that during this encounter, the back seats "were folded up." Id. at 102. M.T. then described what had occurred. Id.

Although Taylor asserts that M.T.'s testimony was incredibly dubious, there was nothing inherently improbable about it, and he has failed to show that the testimony was inconsistent in any way. Moreover, while Taylor asserts that there was not enough space in the area behind the front seats for the offenses to occur, the only evidence regarding that point was his own self-serving testimony. Id. at 507. Additionally, the owner of the vehicle

testified that the seats in the back could be folded up to make additional room. Id. at 102, 432.

The jury apparently credited M.T.'s testimony over Taylor's, which was within its discretion as the finder of fact. Additionally, contrary to Taylor's assertion, the fact that there was no DNA or physical evidence to support M.T.'s testimony does not render that testimony inherently dubious, especially given the nature of the offenses and the gap in time between the offenses and the date on which M.T. spoke with Reverend Manuel. Finally, we cannot say that Taylor's acquittal on one of the counts undermined the credibility of his testimony regarding the remaining charges. Hence, it is apparent that Taylor is requesting that we reweigh the evidence—an invitation that we decline. As a result, we conclude that the evidence was sufficient to support Taylor's convictions.

V. Instructions

Finally, Taylor claims that the trial court erred in refusing to give two proposed instructions. Specifically, Taylor argues that the refusal to give the instructions was error because they correctly stated the law.

We initially observe that instructing the jury lies within the sole discretion of the trial court. Carter v. State, 766 N.E.2d 377, 382 (Ind. 2002). A trial court's decision regarding jury instructions will be reversed on appeal only for an abuse of discretion. Forte v. State, 759 N.E.2d 206, 209 (Ind. 2001). Additionally, jury instructions are to be considered as a whole and in reference to each other, and we will not reverse the trial court's decision as an abuse of discretion unless the instructions as a whole mislead the jury as to the law of the

case. Carter, 766 N.E.2d at 382. When evaluating whether a trial court erred in refusing or giving an instruction, we examine the following factors: (1) whether the tendered instruction correctly states the law; (2) whether there is evidence in the record to support giving the instruction; and (3) whether the substance of the instruction is covered by other instructions. Fields v. State, 679 N.E.2d 1315, 1322 (Ind. 1997). We also note that instructions that unnecessarily emphasize one particular evidentiary fact, witness, or phase of the case have long been disapproved. Carie v. State, 761 N.E.2d 385, 385-86 (Ind. 2002).

In this case, Taylor's proposed final instruction number six stated that

You are instructed that evidence of [M.T.'s] reputation for lack of truthfulness in the community or that his reputation for being a liar has been introduced at trial. You are further instructed that this evidence, in and of itself, raises a reasonable doubt as to the guilt of Mr. Taylor relative to charges against him involving criminal conduct with [M.T.]. You should consider the evidence of [M.T.'s] reputation for lack of truthfulness along with all the other evidence in rendering your verdicts in this case.

Appellant's App. p. 159. The trial court refused to give this instruction, observing that "it is not within the court's province to instruct the jury that any evidence in and of itself raises a reasonable doubt." Tr. p. 466. Although Taylor offered to strike the "reasonable doubt" language in the instruction, the trial court still refused to give it.

Taylor then offered instruction seven, which the trial court also refused to give:

You are instructed that the nature of the community in which the reputation of a witness is challenged (or supported), is not limited to the community at large; in some cases one's family (or church community) is deemed to be of sufficient size to provide the requisite reliability for an impeaching witness' [s] testimony.

Appellant's App. p. 160.

In support of his argument that the trial court improperly refused to give the above instructions, Taylor directs us to Indiana Evidence Rule 608(a), which permits a witness's credibility to be attacked by opinion or reputation evidence under some circumstances:

The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence or otherwise.

We note that even if Taylor had withdrawn the reference to reasonable doubt in the instruction quoted above, it nonetheless improperly emphasized the testimony of Taylor's sister, Stephanie Lawrence. Lawrence was the only witness who testified that M.T. had a reputation for not being truthful within their family. Tr. p. 422. Reverend Manuel testified that M.T. had a reputation as a model child within the St. John's community. *Id.* at 207. As a result, Taylor's proposed instruction number six unduly focused on the testimony of the only witness who stated that M.T. had a reputation for being untruthful. Thus, the instruction was properly refused.

The evidence presented at trial also did not support the giving of Taylor's proposed instruction number seven. The size of the relevant communities was not at issue, and Reverend Manuel did not testify as to the size of the St. John's community. *Id.* at 188-254.

Finally, it is apparent that the substance of both instructions was contained in the trial court's final instruction, which provided in relevant part:

You are the exclusive judges of the evidence, which may be either witness testimony or exhibits. In considering the evidence, it is your duty to decide the value you give to the exhibits you receive and the testimony you hear.

In determining the value of a witness's testimony, some factors you may consider are: the witness's ability and opportunity to observe; the behavior of the witness while testifying; and interest, bias or prejudice the witness may have; any relationship with people involved in the case; the reasonableness of the testimony considering the other evidence; your knowledge, common sense, and life experiences.

Appellant's App. p. 183. In examining this instruction, the statement that the jury should judge the reasonableness of the testimony in light of the other evidence certainly covers the substance of Taylor's instruction number six. In essence, the jury could discredit M.T.'s testimony in light of Lawrence's opinion regarding truthfulness. In other words, the trial court instructed the jury that it could consider whether the testimony of Lawrence and Reverend Manuel was credible given their family or church-based relationship with M.T. For all of these reasons, it was within the trial court's discretion to refuse Taylor's proposed instructions.

CONCLUSION

In light of our discussion above, we conclude that the prior consistent statements of M.T. and Gray were properly admitted, and that the trial court did not commit reversible error when it admitted the transcripts of Gray and M.T.'s taped interviews and in permitting the jury to view them. We also note that the trial court properly admitted evidence of Taylor's prior sexual contacts with Gray and M.T., and that the evidence was sufficient to support Taylor's convictions. Finally, we conclude that the trial court properly refused to give two instructions that Taylor had offered.

The judgment of the trial court is affirmed.

FRIEDLANDER, J., and CRONE, J., concur.