

AFFIRMED and Opinion Filed June 4, 2020



**In the
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-19-00198-CR

**EDWARD FRANKLIN MANN, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 86th Judicial District Court
Kaufman County, Texas
Trial Court Cause No. 17-10731-86-F**

MEMORANDUM OPINION

Before Justices Bridges, Molberg, and Carlyle
Opinion by Justice Carlyle

Edward Franklin Mann contends the evidence is insufficient to support his conviction for continuous sexual abuse of a child for which the jury sentenced him to life in prison. We affirm by this memorandum opinion because the issues are settled. *See* TEX. R. APP. P. 47.4.

A grand jury indicted Mann for continuous sexual abuse of a child, pseudonym Lyndon, by touching Lyndon's genitals two or more times over thirty or more days between September 2007 and April 2010, while Mann was over the age

of seventeen and Lyndon was under the age of fourteen. *See* TEX. PENAL CODE § 21.02(b).

Lyndon was twenty-one at the time of trial. He and Mann's son were best friends during childhood. Between the ages of eight and ten, Lyndon and Mann's son spent nearly every weekend together, and often spent the night at Mann's house. Mann coached the boys' baseball team, and Lyndon's family frequently took vacations with the Manns. Lyndon testified Mann treated him like a son, and Mann's family was like a second family to him.

According to Lyndon, Mann began molesting him when he was eight or nine years old. The first time was in Mann's truck, when Mann slid his hand under Lyndon's shorts and began rubbing Lyndon's penis in a masturbatory manner. When asked whether that was the only time Mann molested him, Lyndon responded, "No," and said it "[f]elt like" Mann molested him "any chance he could." According to Lyndon, Mann most frequently molested him in Mann's living room after they watched a movie. He also indicated Mann had abused him in Mann's bedroom. Lyndon explained that Mann would wait until his wife and son had fallen asleep before molesting Lyndon in the same manner, rubbing Lyndon's penis underneath his pants.

When asked how many times Mann molested him, Lyndon said: "Over 20 probably. I don't know. It was many times through the years." The prosecutor followed up by asking whether "everything" occurred within the same month, and

Lyndon answered: “No, ma’am. This was years.” Lyndon confirmed Mann had touched his genitals two or more times between 2007 and 2010, that there was never more than thirty days between instances, and that the abuse continued for a “couple of years” while he was under age fourteen. He said Mann did not stop molesting him until he was eleven or twelve, after he sent Mann a text message telling him to stay away.

In addition to describing the molestations, Lyndon testified about extraneous acts, including an incident where Mann showed him pornography as a child, incidents where Mann asked him to perform sexual acts that Lyndon declined, and an incident where Mann stared at his crotch inappropriately after Lyndon was an adult. *See* TEX. CODE CRIM. PROC. art. 38.37, § 2.

The jury heard from other witnesses, including: (1) a member of Lyndon’s childhood baseball team who testified Mann had also molested him; (2) another member of Lyndon’s baseball team who testified Mann inappropriately touched his genitals through his clothing; (3) Mann’s ex-wife, who confirmed Mann had access to Lyndon at their home during the relevant time period, established that Mann would have been older than seventeen during that period, and corroborated Lyndon’s description of their house; and (4) Lyndon’s mother, who corroborated other aspects of Lyndon’s testimony and provided texts between she and Mann that a rational juror could conclude were admissions to molesting Lyndon.

On appeal, Mann contends only that the evidence is insufficient to support a finding beyond a reasonable doubt that Lyndon’s abuse took place over a period that lasted more than thirty days. We evaluate Mann’s sufficiency challenge under the familiar standard from *Jackson v. Virginia*, 443 U.S. 307, 319 (1979), and review all the evidence in the light most favorable to the verdict to determine whether a jury was rationally justified in finding guilt beyond a reasonable doubt. *See Brooks v. State*, 323 S.W.3d 893, 894, 901–02 (Tex. Crim. App. 2010); *Temple v. State*, 390 S.W.3d 341, 360 (Tex. Crim. App. 2013).

Mann argues, “[a]t the most, Lyndon’s testimony established multiple uncomfortable events over a course of several years.” Mann also incorrectly suggests the extraneous bad acts are the basis for the conviction. But to argue this, Mann ignores a reasonable interpretation of the evidence that allowed the fact-finder to conclude he molested Lyndon repeatedly throughout the time period for which he was charged and that the many instances of sexual abuse never occurred more than thirty days apart during that time period.

Mann has crafted his arguments on appeal by focusing on a single exchange between Lyndon and the prosecutor which he argues means Lyndon said all the molesting happened in a single thirty-day period. But this ignores Lyndon’s testimony that the molestation occurred “many times through the years,” it ignores Lyndon’s specific denial when asked if “everything happen[ed] in the course of, like, a month,” and it ignores Lyndon’s recollection that Mann molested him by touching

his penis, skin-on-skin, from when he was “about 8 to maybe 11 in that range, give or take.”

Lyndon’s testimony alone was sufficient to support the jury’s rational conclusion that Mann abused Lyndon as charged, and the State presented significant additional evidence that corroborated Lyndon’s testimony. *See* TEX. CODE CRIM. PROC. art. 38.07(a), (b)(1); TEX. PENAL CODE § 21.02(b); *Garner v. State*, 523 S.W.3d 266, 271 (Tex. App.—Dallas 2017, no pet.). We affirm.

/Cory L. Carlyle/

CORY L. CARLYLE
JUSTICE

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TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

EDWARD FRANKLIN MANN,
Appellant

No. 05-19-00198-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 86th Judicial
District Court, Kaufman County,
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Trial Court Cause No. 17-10731-86-
F.

Opinion delivered by Justice Carlyle.
Justices Bridges and Molberg
participating.

Based on the Court's opinion of this date, the judgment of the trial court is
AFFIRMED.

Judgment entered this 4th day of June, 2020.