COURT OF APPEALS OF VIRGINIA

Record No. 0139-25-1

ERIC H. FIGUEROA RODRIGUEZ, SOMETIMES KNOWN AS
ERIC FIGUEROA-RODRIGUEZ
v.
COMMONWEALTH OF VIRGINIA

Present: Judges Beales, White and Duffan

Opinion Issued October 13, 2026[*]

FROM THE CIRCUIT COURT OF THE CITY OF NORFOLK
Jamilah D. LeCruise, Judge

(Roger A. Whitus; Slipow & Robusto, P.C., on brief), for appellant.

(Jason S. Miyares,[1] Attorney General; Justin M. Brewster, Assistant Attorney General, on brief), for appellee.

MEMORANDUM OPINION BY
JUDGE KEVIN M. DUFFAN

On October 11, 2024, a City of Norfolk jury convicted Eric Figueroa-Rodriguez of rape pursuant to Code § 18.2-61. The circuit court sentenced him to 20 years' incarceration with 7 years suspended on certain terms. On appeal, Figueroa-Rodriguez argues that the circuit court: (1) erred in violating his statutory speedy trial rights and (2) erred in denying his motion to strike the evidence. Finding no error, we affirm the circuit court's judgment.[2]

[*] This opinion is not designated for publication. *See* Code § 17.1-413(A).

[1] Jay C. Jones succeeded Jason S. Miyares as Attorney General on January 17, 2026.

[2] Having examined the briefs and record in this case, the panel unanimously agrees that oral argument is unnecessary because "the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument." *See* Code § 17.1-403(ii)(c); Rule 5A:27(c).

BACKGROUND

I. Procedural History and June 24 Trial

We recite the facts "in the 'light most favorable' to the Commonwealth, the prevailing party in the trial court." *Hammer v. Commonwealth*, 74 Va. App. 225, 231 (2022) (quoting *Commonwealth v. Cady*, 300 Va. 325, 329 (2021)). In doing so, we discard the evidence of the accused in conflict with that of the Commonwealth, and regard as true all the credible evidence favorable to the Commonwealth and all fair inferences that can be drawn from the evidence. *Cady*, 300 Va. at 329.

On May 12, 2023, Figueroa-Rodriguez was arrested on warrants charging him with rape and attempted forcible sodomy of B.F.M.,[3] the victim, and was held without bond. On July 11, 2023, the general district court found probable cause for both offenses and certified them to the grand jury, which returned true bills of indictment on August 2, 2023.

At Figueroa-Rodriguez's arraignment on August 21, 2023, the circuit court set the case, with the agreement of the parties, for a jury trial on January 4, 2024. However, at the January 3, 2024 pre-trial conference, the Commonwealth stated that it had learned only the day before that the Sexual Assault Nurse Examiner (SANE) expert, a material witness, would not be available for trial because she "recently had a baby," "essentially last week," and was "out on medical leave."[4] Counsel for Figueroa-Rodriguez stated, "I have to object because my client is in custody." The circuit court found that it was "a bit much to ask to have a mother come to court within a week of having a child, so it is a good cause" and granted the Commonwealth's motion

[3] We use the victim's initials as set out in the indictment to protect her privacy.

[4] Additionally, although the motion was not made, the Commonwealth advised that entering a nolle prosequi would be impractical because "the defendant is being held on a detainer[,] and he would be deported" if the charge were withdrawn.

for a continuance, over Figueroa-Rodriguez's objection. The jury trial was re-set to begin on May 9, 2024; Figueroa-Rodriguez did not object to the specific date.

At the May 8, 2024 pre-trial conference, the circuit court determined that there were not a sufficient number of interpreters available to proceed with the May 9 trial and entered a continuance, over both parties' objections, to June 24, 2024. An interpreter was needed for Figueroa-Rodriguez and for one of the Commonwealth's witnesses. The court ultimately had four interpreters scheduled for the June 24 trial.

Before the June 24 trial, Figueroa-Rodriguez moved to dismiss, arguing that he was denied a speedy trial under Code § 19.2-243. He argued that he objected to both the January 3 and May 8 continuances, so they should "count against the Commonwealth." At the hearing, he argued that the unavailability of the nurse examiner was not a circumstance that was exempted under the statue as being due to "sickness" because the witness had already given birth. He conceded that the second continuance was due to "a statewide shortage of Spanish interpreters" and that both parties and the circuit court "did everything to try to find interpreters once we were advised none were available." But nevertheless he argued that the second continuance "falls upon the Commonwealth." When the circuit court asked if Figueroa-Rodriguez wanted "to address constitutional speedy trial issues," he said that he would "raise that as well," "just for purposes of the record," but conceded that "a delay of this level is not one that even approaches the length of delays that have been found in the constitution by the Supreme Court." The circuit court later denied the motion. Figueroa-Rodriguez had been held in continuous custody since his May 12, 2023 arrest.

Trial began on June 24, 2024.[5] On June 25, 2024, the jury acquitted Figueroa-Rodriguez of attempted forcible sodomy, under Code § 18.2-67.5, but it could not reach a verdict on the

[5] Judge Everett A. Martin presided over the June 24 trial.

charge of rape. The court ordered a mistrial on the rape charge. It set the second trial on the rape charge for October 10, 2024.

II. October 10 Trial[6]

At the second trial, B.F.M. testified through an interpreter that she came to the United States from El Salvador in 2013. By 2023, B.F.M. had known Figueroa-Rodriguez for nine years. She met Figueroa-Rodriguez doing painting jobs for another person and later worked on some painting jobs for him. A few days before the rape, when she and Figueroa-Rodriguez were the only two working on a job, he touched her shoulder "like he wanted to do a massage." She told Figueroa-Rodriguez that she "did not want to do it" and it "stopped there." She later texted him that "this . . . should not happen again" and he replied that he respected her decision. A copy of the text exchange was admitted.

On May 1, 2023, B.F.M. arrived late to a job at an apartment complex in Norfolk; Figueroa-Rodriguez and Johana Ardila were already in a vacant apartment, painting doors. At 11:00 a.m., Ardila left to get lunch and B.F.M stayed behind. Figueroa-Rodriguez then joined B.F.M. in the kitchen. While she was crouched, painting behind the closed door, Figueroa-Rodriguez started touching her shoulders again. She reminded him that she "had already spoken to him about this." He told her that she was "stressed. For [her] to relax. That everything was going to be okay. So then he got closer to [her], and he put his penis on [her] butt." She told him to stop, "got up," and "tried to talk to him," but he "pushed" her "to the wall." He held her hands by her wrists, against the wall, and kissed her neck. At one point she felt "that he had his penis out." He pulled her shorts down and she was only able to pull them back up in the front. She then tried to get away. While her back was to him, "he grabbed [her]

[6] Judge Jamilah D. LeCruise presided over the October 10 trial.

arms again and crossed [her] arms behind [her]." She felt him try to press his penis into her anus, but she was able to push him and "just told him to stop."

At that point Figueroa-Rodriguez bent her over the kitchen counter "and he was able to penetrate." She testified specifically that his penis entered her vagina. After penetration, Figueroa-Rodriguez was not holding B.F.M.'s arms as strongly and she was able to get away to the bathroom. She denied giving Figueroa-Rodriguez permission to do what he had done and denied that she wanted him to do it. When she came out of the bathroom, she "got some of [her] things" and left. She did not see Figueroa-Rodriguez again before she left.

When she got to her car, she received a text message from Figueroa-Rodriguez, saying "I'm sorry." A copy of the text exchange was admitted. After she got his text message, she called Figueroa-Rodriguez and asked him if he ejaculated in her; he said he did. He told her, "don't worry because he could bring me a pill, the Plan B pill." She told him that she did not want to see him in her house.

B.F.M. then sent Figueroa-Rodriguez a series of text messages. A copy of the text exchange was admitted. B.F.M. acknowledged that she had deleted some text messages between her and Figueroa-Rodriguez. She did so only due to "embarrassment or shame for somebody else to find out what had happened." She testified that the deleted messages were intended "to make sure that he knew that [she] did not like what happened, and he should not do it again. And [that she] did not want him to make any comment about it to somebody else." After her last message to Figueroa-Rodriguez, she blocked him.

The next day, B.F.M. called her husband[7] and asked him to help her get her son's passport to go back to El Salvador. After urging by both her husband and her brother, she spoke to the police "that day" and later submitted to a physical examination.

[7] B.F.M.'s husband is her ex-partner, but they are still legally married.

Andrea Kovacevic, a certified nurse midwife and a SANE expert, examined B.F.M. on May 2, 2023. The circuit court qualified Kovacevic as an expert in "forensic nursing, sexual assault examination, and related disciplines." Kovacevic prepared a written report of her examination of B.F.M., which was admitted.[8] Kovacevic confirmed the account of the rape that B.F.M. gave her.[9] B.F.M reported "soreness in both of her arms," and two photographs that Kovacevic took of B.F.M.'s wrists during the examination were admitted without objection. In the genital examination, Kovacevic observed "redness around the hymen and the vaginal vestibule and just kind of that opening to the vagina, an area of redness and central lacerations spreading bilaterally from fossa navicularis and extending down to the posterior portion, and then the laceration on the left labia minora." Kovacevic collected clothing that B.F.M. said she wore during the rape, that had not been washed since. Photographs of the collected clothes were admitted without objection. Kovacevic also collected fluid samples from B.F.M.'s cheek, vagina, cervix, and other areas. Kovacevic opined that the redness and other injuries she observed were consistent with B.F.M.'s account of the rape.

The circuit court qualified Anne Pollard, a forensic scientist with the Virginia Department of Forensic Science, as an expert in forensic biology and DNA analysis. She examined the fluid samples Kovacevic had collected and a buccal sample collected from Figueroa-Rodriguez. She concluded, based on Y-chromosome DNA characteristics, that Figueroa-Rodriguez "cannot be eliminated as a contributor of these Y chromosome DNA profiles, nor can any of his patrilineally related male relatives." She opined that she would expect to find the same profile found in the

[8] The witness signed the May 6, 2023 report as "Andrea Miller." Figueroa-Rodriguez did not object to the variance.

[9] Portions of this record, including the SANE report, were sealed. "To the extent that this opinion discusses facts found in sealed documents in the record, we unseal only those facts." *Brown v. Va. State Bar ex rel. Sixth Dist. Comm.*, 302 Va. 234, 240 n.2 (2023) (citing *Levick v. MacDougall*, 294 Va. 283, 288 n.1 (2017)).

non-sperm fraction "once in 2,000 individuals in the Hispanic population." She would expect to find the same profile found in the sperm fraction "once in 1,200 individuals in the Hispanic population."

Detective Jason E. Myers, a special crimes unit detective for the Norfolk Police Department, took B.F.M.'s statement and swore out warrants for Figueroa-Rodriguez's arrest. On cross, Detective Myers confirmed that his notes of the interview with B.F.M. showed that B.F.M. said that she was "forced to the floor" and that the rape occurred on the floor. Detective Myers added that he did not know "if it was something lost in translation" and that parts of the interview were translated by two different Spanish-speaking police officers. Detective Myers likewise agreed that "through the interpreter, [B.F.M.] indicated that she had erased all her messages between [Figueroa-Rodriguez] and her." Detective Myers did not examine B.F.M.'s telephone.

At trial, B.F.M. did not recall telling Detective Myers that Figueroa-Rodriguez forced her to the ground or that she saw him "pull his penis out." She confirmed that she spoke through translators when she spoke to the police, to the examining nurse, and at each hearing; the translators at this hearing were different from those at the previous hearing. When asked why she had not testified in the first trial that Figueroa-Rodriguez offered her money, she answered that she had not thought it was important at first. She later decided to include those statements "[b]ecause of some things that were brought up in the previous trial." She explained that she had not provided the text messages before the prosecution asked about them because no one else asked her about them. When she initially told the police that she had deleted messages from Figueroa-Rodriguez, she did not specify how many. She indicated where the two deleted messages had been in the sequence shown in Commonwealth's Exhibit 3.

After the Commonwealth rested, Figueroa-Rodriguez moved to strike the evidence, arguing that B.F.M.'s testimony was "inherently incredible." He argued "the numerous contradictions that she's given, her admission that she has modified her testimony, the fact that text messages have been erased, the fact that her accounts to the police vary significantly in significant ways from what we've heard today." The circuit court denied the motion.

Figueroa-Rodriguez called Johana Ardila, who worked with Figueroa-Rodriguez and B.F.M. on May 1, 2023. Before leaving for lunch that day, she asked B.F.M. "if she wanted to go get lunch," but B.F.M. said no. Ardila estimated that she was gone for 10 to 15 minutes. When she returned, Figueroa-Rodriguez was alone in the apartment. Figueroa-Rodriguez told her that B.F.M. "had gone to an appointment that she had."

Ardila considered Figueroa-Rodriguez and B.F.M. to be "friendly," "[w]hen [B.F.M.] arrived, she would hug him, giving him greetings," and "would kiss him on the cheek." She said that B.F.M. "would frequently ask [Ardila] how would it be if the two of them had a serious relationship, and [Ardila] said that it would be very good because he was a very good man."

Figueroa-Rodriguez also called Aris Sady Villanueva, who testified that he had worked with Figueroa-Rodriguez and with B.F.M. "[o]n a couple of occasions." He described that B.F.M. talked to Figueroa-Rodriguez "a lot about her private life. She was joking with him. She was talking to him. She was very close to him. More than a normal friendship." He said that "she would hug him. She [was] very affectionate to him."

Figueroa-Rodriguez renewed his motion to strike the evidence, again arguing that B.F.M.'s testimony was "inherently incredible." The circuit court ruled that "the case is credible enough to go to the jury." The jury convicted Figueroa-Rodriguez of rape. The circuit court sentenced him to 20 years' incarceration, with 7 years suspended on certain terms.

ANALYSIS

I. The circuit court did not violate Figueroa-Rodriguez's statutory speedy trial rights.

Figueroa-Rodriguez argues on appeal that his statutory rights to a speedy trial[10] were violated because more than 152 and a fraction days that were attributable to the Commonwealth had passed after the general district court's finding of probable cause and his trial. Specifically, Figueroa-Rodriguez contends that the 126 days between January 4, 2024, and May 8, 2024, should count against the Commonwealth because this continuance period did not fall within any statutory tolling provision enumerated under Code § 19.2-243. We disagree.

"[B]oth statutory and constitutional speedy trial challenges present 'a mixed question of law and fact,' this Court gives deference to the trial court's factual findings but reviews statutory interpretations and legal conclusions *de novo*." *Osman v. Commonwealth*, 76 Va. App. 613, 657 (2023) (quoting *Young v. Commonwealth*, 297 Va. 443, 450 (2019)). "To the extent such review involves underlying factual findings, those findings may not be disturbed unless 'plainly wrong' or 'without evidence to support them.'" *Ali v. Commonwealth*, 75 Va. App. 16, 33 (2022) (quoting *Wilkins v. Commonwealth*, 292 Va. 2, 7 (2016)).

"Code § 19.2-243 provides specific time limits 'within which an accused must be tried, absent tolling or other statutory exceptions.'" *Osman*, 76 Va. App. at 657 (quoting *Brown v. Commonwealth*, 75 Va. App. 388, 406 (2022)). The Commonwealth is allowed only "152 and a

[10] Figueroa-Rodriguez's assignment of error references his constitutional right to a speedy trial, but he has not briefed any argument on that portion of the assignment. "Statements unsupported by argument, authority, or citations to the record do not merit appellate consideration." *Turner v. Commonwealth*, 67 Va. App. 46, 61 (2016) (quoting *Buchanan v. Buchanan*, 14 Va. App. 53, 56 (1992)). "'[W]hen a party's "failure to strictly adhere to the requirements of Rule 5A:20(e)" is significant,' this Court may treat the question as waived." *Bartley v. Commonwealth*, 67 Va. App. 740, 744 (2017) (quoting *Parks v. Parks*, 52 Va. App. 663, 664 (2008)). Particularly where Figueroa-Rodriguez deliberately declined to develop any argument to support his conclusory claim that his constitutional right to a speedy trial was violated, we find the omission significant, and that portion of the claim therefore is waived. Rule 5A:20(e).

fraction days" to bring a criminal defendant to trial. *Ballance v. Commonwealth*, 21 Va. App. 1, 6 (1995). "This 'period begins to run on the day after the preliminary hearing at which probable cause is found.'" *Jiron-Garcia v. Commonwealth*, 48 Va. App. 638, 645 (2006) (quoting *Robinson v. Commonwealth*, 28 Va. App. 148, 152 (1998)).

Here, the general district court found probable cause and certified the offense to the grand jury on July 11, 2023, so his speedy-trial period began to run on July 12, 2023. *Id.* Forty days of the statutory speedy trial had run by the time of Figueroa-Rodriguez's circuit court arraignment on August 21, 2023. On that August 21 arraignment date, the circuit court set a jury trial for January 4, 2024, with the agreement of the parties.

However, at a pre-trial hearing on January 3, 2024—the day before trial was set to commence—the circuit court granted the Commonwealth's motion for a continuance over Figueroa-Rodriguez's objection. The court found good cause for the delay because the Commonwealth's SANE expert was on medical leave after giving birth the prior week. Trial was set for May 9, 2024. If those days were not tolled, Figueroa-Rodriguez was not tried within "152 and a fraction days." *Ballance*, 21 Va. App. at 6.

Although the Commonwealth is mandated to try a defendant in 152 and a fraction days, this period "is not absolute." *Young*, 297 Va. at 451. One exception is for delays caused "[b]y the witnesses for the Commonwealth being . . . prevented from attending by sickness or accident." Code § 19.2-243(2). Furthermore, the Supreme Court of Virginia has held that "[w]hile [the statute] outlines some exceptions to a speedy trial, the statute is not meant to be all-inclusive. Other exceptions of a similar nature are *implied*." *Hudson v. Commonwealth*, 39 Va. App. 240, 249 (2002) (emphasis added) (citing *Stephens v. Commonwealth*, 225 Va. 224, 230 (1983)).

On these facts, we find that granting a continuance due to the medical unavailability of a material trial witness—who had given birth just one week prior—falls within the statutory exception for sickness as contemplated by the statute. *Id.*; Code § 19.2-243(2).

"In the present context, the plain meaning of the term 'sickness' includes 'the condition of being ill,' 'a disordered, weakened or unsound condition,' and 'a form of disease.'" *Schwartz v. Commonwealth*, 45 Va. App. 407, 425 (2005) (quoting *Webster's Third New International Dictionary* 2111 (1993)). In *Schwartz*, the absent witness was recovering from "major back surgery," which we agreed meant that he was in "a disordered, weakened or unsound condition." *Id.* at 426. That condition, "as the trial court implicitly found, made him 'physically unable from a medical standpoint to testify' at trial within the time limit prescribed by Code § 19.2-243." *Id.* We therefore could not say that his condition "during his recuperation from surgery was not 'sickness' within the meaning of Code § 19.2-243(2)," as the circuit court had found. *Id.* The same analysis applies to the nurse examiner's absence here.

The physical demands that a new mother faces immediately after childbirth are well established. Figueroa-Rodriguez acknowledges that he is "aware of and sensitive to the unique rigors and demands of childbirth." The circuit court here was entitled to weigh its understanding of postpartum recuperation, both in granting the continuance and in denying Figueroa-Rodriguez's later motion to dismiss. The circuit court's finding that it was "a bit much to ask to have a mother come to court within a week of having a child," and its holding that the circumstance was good cause for a continuance, likewise implicitly found that Kovacevic was "physically unable from a medical standpoint to testify" during her recuperation. *Schwartz*, 45 Va. App. at 426.

Because we find that the unavailability of a material witness due to giving birth less than a week from trial is similar to the enumerated exception under Code § 19.2-243(2) for sickness

of a material witness, the period from January 4 through May 9 is tolled.[11] Accordingly, the circuit court did not err in concluding that Figueroa-Rodriguez's statutory right to a speedy trial was not violated.

II. The evidence was sufficient to convict Figueroa-Rodriguez of rape.

On appeal, Figueroa-Rodriguez argues that the circuit court erred in denying his motion to strike the evidence for rape because B.F.M.'s testimony was "inherently incredible." We disagree.

"When an appellate court reviews the sufficiency of the evidence underlying a criminal conviction, its role is a limited one." *Commonwealth v. Garrick*, 303 Va. 176, 182 (2024). "The judgment of the trial court is presumed correct and will not be disturbed unless it is 'plainly wrong or without evidence to support it.'" *Pijor v. Commonwealth*, 294 Va. 502, 512 (2017) (quoting Code § 8.01-680). "Thus, 'it is not for this [C]ourt to say that the evidence does or does not establish [the defendant's] guilt beyond a reasonable doubt because as an original proposition it might have reached a different conclusion.'" *Commonwealth v. Barney*, 302 Va. 84, 97 (2023) (alterations in original) (quoting *Cobb v. Commonwealth*, 152 Va. 941, 953 (1929)).

The only relevant question for this Court on review "is, after reviewing the evidence in the light most favorable to the prosecution, whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Id.* (quoting *Sullivan v. Commonwealth*, 280 Va. 672, 676 (2010)). "If there is evidentiary support for the conviction,

[11] Of note, on May 8, 2024, the circuit court entered a second continuance, over both parties' objections, to June 24, 2024, based on the unavailability of the necessary number of certified interpreters. We need not decide whether this period was attributable to the Commonwealth, because regardless of how those days are treated for purposes of the speedy trial statute, less than 152 days of the statutory period elapsed before trial commenced on June 24, 2024. "The doctrine of judicial restraint dictates that we decide cases 'on the best and narrowest grounds available'" *Commonwealth v. Swann*, 290 Va. 194, 196 (2015) (quoting *McGhee v. Commonwealth*, 280 Va. 620, 626 n.4 (2010)).

'the reviewing court is not permitted to substitute its own judgment, even if its opinion might differ from the conclusions reached by the finder of fact at the trial.'" *McGowan v. Commonwealth*, 72 Va. App. 513, 521 (2020) (quoting *Chavez v. Commonwealth*, 69 Va. App. 149, 161 (2018)).

Figueroa-Rodriguez challenges the sufficiency of the evidence for his rape conviction, but identifies no element of any rape that is unsupported by the evidence. He argues only that B.F.M.'s testimony should be rejected as "inherently incredible" because she deleted text messages and "altered her testimony and provided new information during the second trial."

A witness's credibility "is within the exclusive province of the [fact finder]." *Dalton v. Commonwealth*, 64 Va. App. 512, 525 (2015) (quoting *Lea v. Commonwealth*, 16 Va. App. 300, 304 (1993)). The fact finder is "free to believe or disbelieve, in part or in whole, the testimony of any witness." *Bazemore v. Commonwealth*, 42 Va. App. 203, 213 (2004) (en banc). "An appellate court 'must accept "the trial court's determination of the credibility of witness testimony unless, 'as a matter of law, the testimony is inherently incredible.'"'" *Hammer*, 74 Va. App. at 239 (quoting *Lambert v. Commonwealth*, 70 Va. App. 740, 759 (2019)). Ultimately, witness testimony will not be found inherently incredible "unless it is 'so manifestly false that reasonable men ought not to believe it' or 'shown to be false by objects or things as to the existence and meaning of which reasonable men should not differ.'" *Gerald v. Commonwealth*, 295 Va. 469, 487 (2018) (quoting *Juniper v. Commonwealth*, 271 Va. 362, 415 (2006)).

Here, it was within the power of the jury to decide whether B.F.M.'s testimony was credible, and it did so even after consideration of her deleted text messages and differences in her testimony from the first trial to the second. B.F.M. was cross-examined on each of these issues during trial, and provided explanations that were within the province of the jury to accept. "A legal determination that a witness is inherently incredible is very different from the mere

identification of inconsistencies in a witness'[s] testimony or statements. Testimony may be contradictory or contain inconsistencies without rising to the level of being inherently incredible as a matter of law." *Kelley v. Commonwealth*, 69 Va. App. 617, 626 (2019) (citing *Juniper*, 271 Va. at 415). Additionally, "[t]he mere fact that a witness may have delayed in reporting knowledge of a case or given inconsistent statements during the investigation of a crime does not necessarily render the testimony unworthy of belief." *Juniper*, 271 Va. at 415.

Furthermore, we have found that a witness's testimony is not inherently incredible when it is corroborated by other evidence, although corroboration is not necessary. *Lambert*, 70 Va. App. at 760. DNA analysis was consistent with B.F.M.'s testimony that Figueroa-Rodriguez ejaculated inside her, and the SANE expert opined that the redness and other injuries she observed were consistent with B.F.M.'s account of the rape. The two experts' opinions corroborated her testimony.

Notably, "a conviction for rape and other sexual offenses may be sustained solely upon the uncorroborated testimony of the victim." *Poole v. Commonwealth*, 73 Va. App. 357, 368 (2021) (quoting *Wilson v. Commonwealth*, 46 Va. App. 73, 87 (2005)). "[T]he victim's testimony, if credible and accepted by the finder of fact, is sufficient evidence, standing alone, to support the conviction" for a sexual offense. *Fisher v. Commonwealth*, 228 Va. 296, 299 (1984). Here, the jury was well within its right to credit only B.F.M.'s uncorroborated testimony of Figueroa-Rodriguez's forcible rape of her.

Here, the circuit court found that the evidence was "credible enough to go to the jury." Taking into account the other evidence presented at trial, it cannot be said that B.F.M.'s testimony was so "manifestly false that reasonable men ought not to believe it." *Gerald*, 295 Va. at 487. The record supports the circuit court's denial of Figueroa-Rodriguez's motions to strike, and so it was not without evidence to do so.

CONCLUSION

For the foregoing reasons, the circuit court's judgment is affirmed.

Affirmed.