

/* This case is reported in 396 S.E.2d 301 (Ga.App. 1991) */

DAVIS

v.

The STATE.

Court of Appeals of Georgia.

July 13,1990.

CARLEY, Chief Judge.

After a jury trial, appellant was found guilty of kidnapping, aggravated sodomy, reckless conduct by an HIV infected person, attempted aggravated sodomy and attempted reckless conduct by an HIV infected person. Appellant appeals from the judgments of conviction and sentences entered by the trial court on the jury's guilty verdicts.

1. Appellant enumerates the general grounds as to attempted aggravated sodomy and attempted reckless conduct by an HIV infected person. "[A]ppellant's statements to the victim [as well as his failure to disclose that he was an HIV infected person] and his actions in the [vehicle into which he had forced the victim] indicate that appellant was attempting [aggravated sodomy and reckless conduct by an HIV infected person]. Thus, we find the evidence sufficient to meet the requirements of Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979) and to support appellant's conviction of these two offenses." Helton v. State, 166 Ga.App. 662, 663(1), 305 S.E.2d 592 (1983). See also Garmon v. State, 192 Ga.App. 250, 384 S.E.2d 278 (1989).

[1] 2. The trial court's admission into evidence of certain sexual devices seized from appellant's vehicle pursuant to his consent at the time of his arrest is also enumerated as error.

"These exhibits[, normally associated with homosexual activity,] were properly admitted as they may have a tendency to show defendant's bent of mind toward the [homo]sexual activity with which he was charged. [Cits.]" Wilcoxon v. State, 162 Ga.App. 800, 801(1), 292 S.E.2d 905 (1982). "Where sexual crimes are tried, exhibits having a tendency to show bent of mind towards sexual activity are generally admissible. [Cits.] ... Under the broad discretion of the trial court, the admission of the evidence clearly was not error. [Cit.]" Worth v. State, 183 Ga.App. 68, 6970(1), 358 S.E.2d 251(1987).

See also *Watson v. State*, 147 Ga.App. 847, 850(4), 250 S.E.2d 540 (1978).

[2] Moreover, even if the exhibits did not reflect upon the guilt or innocence of appellant, they were found in his vehicle and were thus in his control at or near the time of arrest. Accordingly, the exhibits were admissible as circumstances connected with appellant's arrest. See *Hale v. State*, 159 Ga.App. 563(1), 284 S.E.2d 68 (1981); *Reese v. State*, 145 Ga.App. 453, 457(4), 243 S.E.2d 650 (1978).

Judgments affirmed.

McMURRAY, P.J., and SOGNIER, J., concur.