

# Court of Appeals, State of Michigan

## ORDER

People of Michigan v Kendra Marie Brown

Docket No. 344548

LC No. 15-023240-FH

Amy Ronayne Krause  
Presiding Judge

Michael J. Kelly

Michael F. Gadola  
Judges

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Defendant seeks delayed leave to appeal her jury-based conviction of fourth-degree criminal sexual conduct (CSC), MCL 750.520e(1)(a). Having reviewed defendant's arguments and the trial transcripts, and having drawn all reasonable inferences in support of the jury verdict, the Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

Our Supreme Court recently reiterated the standard of review applicable to the sufficiency of the evidence after a jury criminal trial:

[T]he standard of review is deferential: a reviewing court is *required* to draw all reasonable inferences and make credibility choices in support of the jury verdict. The scope of review is the same whether the evidence is direct or circumstantial. Circumstantial evidence and reasonable inferences arising from that evidence can constitute satisfactory proof of the elements of a crime. It is for the trier of fact, *not the appellate court*, to determine what inferences may be fairly drawn from the evidence and to determine the weight to be accorded those inferences. [*People v Oros*, 502 Mich 229, 239; 917 NW2d 559 (2018) (quotation marks and citations omitted).]

To convict defendant in this case of fourth-degree CSC, the prosecutor was required to prove the following elements beyond a reasonable doubt: (1) defendant intentionally touched the complainant's intimate parts or the clothing covering his intimate parts; (2) the touching was for sexual purposes; (3) the complainant was age 15 at the time of the alleged act. MCL 750.520a(q); MCL 750.520e(1)(a).

The evidence at trial was sufficient to allow a rational juror to conclude that the prosecutor proved each element of the offense beyond a reasonable doubt. The complainant testified about an incident that occurred in early summer of 2015 at a horse farm, in which defendant touched complainant's genitals in a sexual manner. At least two witnesses testified that they saw defendant touching a young man in a sexual manner during the same time period at the horse farm. The jury could reasonably infer that the witnesses observed the incident of fourth-degree CSC that the complainant had described.

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Notwithstanding the trial testimony, defendant argues that the jury verdict on the fourth-degree CSC count was irrational. In support, defendant contends that the verdict was inconsistent with the jury's not-guilty verdicts on the other CSC counts against defendant.

Defendant's argument is unpersuasive. The trial testimony plainly supported the conviction on the fourth-degree CSC count. In contrast, the jurors could conceivably have found the trial testimony to be equivocal on the remaining counts.

Because the trial testimony amply supported defendant's conviction, we deny defendant's delayed leave application for lack of merit in the grounds presented.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

**DEC 26 2018**

Date

  
Chief Clerk