

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES ISOM,

Defendant-Appellant.

UNPUBLISHED

June 7, 1996

No. 179497

LC No. 94-67102-FC

Before: O'Connell, P.J., and Gribbs and T. P. Pickard, * JJ.

PER CURIAM.

Defendant was convicted by a jury of first-degree criminal sexual conduct, MCL 750.520b; MSA 28.788(2). Defendant subsequently pled guilty to habitual offender-third, MCL 769.11; MSA 28.1083. He was sentenced to a term of eight to thirty years. We affirm.

On appeal, defendant contends that the trial court erred in denying his motion for a directed verdict because there was insufficient evidence of sexual penetration. There is no merit to this issue. There was ample evidence presented which, if believed by the jury, was sufficient to establish penetration of complainant by defendant in this case. Complainant awoke to find defendant standing over her, with her pajamas down and his hand stroking her bottom. She had not suffered any accidental injury to her genital area on the day preceding the incident. Complainant reported the incident to her grandmother, the investigating officer, and a nurse who attended to her at the hospital. An attending physician testified that there were fresh injuries to complainant's vagina, and that the injuries were consistent with digital penetration. The physician testified that, because there were no external injuries to complainant's vagina, the internal injuries she suffered were not likely the result of a typical childhood accident. He also noted that the injuries were not self inflicted. Cf *People v Mikula*, 84 Mich App 108, 116; 269 NW2d 195 (1978). Viewing the evidence in a light most favorable to the prosecution, a rational trier of fact could have found that the essential elements of the crime had been proven beyond a reasonable doubt. *People v Jolly*, 442 Mich 458, 466; 502 NW2d 177 (1993).

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Peter D. O'Connell

/s/ Roman S. Gibbs

/s/ Timothy P. Pickard