

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

IVAN LEWIS TAYLOR,

Defendant-Appellant.

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UNPUBLISHED

July 9, 1996

No. 179036

LC No. 93-013901

Before: MacKenzie, P.J., and Saad and C.F. Youngblood\*, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of three counts of first-degree criminal sexual conduct, MCL 750.520b; MSA 28.788(2), and was sentenced to ten to twenty-five years' imprisonment for each count. He appeals as of right. We affirm.

Defendant contends that there was insufficient evidence to sustain his convictions, either as a principal or as an aider and abettor. The contention is without merit.

In reviewing the sufficiency of the evidence in a bench trial, this Court views the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Petrella*, 424 Mich 221; 380 NW2d 11 (1985). Here, the evidence viewed in a light most favorable to the prosecution established that defendant and another individual, Derrick Clark, spotted the victim on the street. Clark threw the victim against a wall, and defendant then helped push her into the back seat of defendant's car. While defendant was in the front seat, Clark got in the back seat, struck the victim multiple times in the head and stomach, and penetrated her both vaginally and anally. Defendant, at Clark's direction, moved the car three times during the incident to avoid detection. Defendant also penetrated the victim against her will. Taken as a whole, this evidence was clearly sufficient to sustain defendant's CSC conviction as a principal, as well as his convictions for aiding and abetting Clark.

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

Defendant contends that the trial court erred in rejecting his duress defense. Although defendant testified that Clark coerced him into participating in the victim's abduction and rape, the trial judge obviously found this testimony not believable. The credibility of witnesses' testimony is a matter for the trial court, as the trier of fact, to decide; we will not resolve it anew. *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988). In any event, defendant did not have to commit these crimes in order to avoid being harmed by Clark. See *People v Luther*, 394 Mich 619, 623; 232 NW2d 184 (1975). The evidence indicated that he had three separate opportunities to flee from Clark, but he did not do so. Under these circumstances, his duress claim fails.

Affirmed.

/s/ Barbara B. MacKenzie  
/s/ Henry William Saad  
/s/ Carole F. Youngblood