

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KADHUM ALSAIDI,

Defendant-Appellant.

UNPUBLISHED

August 30, 1996

No. 175421

LC No. 93010481

Before: Marilyn Kelly, P.J., and Gribbs and W.E. Collette,* JJ.

PER CURIAM.

Defendant, Kadhum Alsaïdi, appeals as of right following his jury trial conviction for third-degree criminal sexual conduct. MCL 750.520d(1)(b); MSA 28.788(4)(1)(b). He argues that there was insufficient evidence of force or coercion to sustain the verdict. We affirm.

When reviewing the sufficiency of the evidence following a conviction, this Court considers the evidence in a light most favorable to the prosecution. We determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), modified 441 Mich 1201 (1992); *People v Hurst*, 205 Mich App 634, 640; 517 NW2d 858 (1994).

In this case, there was sufficient evidence with respect to the element of force or coercion. The prosecution had to show that defendant either used physical force or did something else to make the complainant reasonably afraid of present or future danger. *People v Kline*, 197 Mich App 165, 166; 494 NW2d 756 (1992). The complainant testified that defendant grabbed her by the arm and spun her around. He then threw her on the bed, pinning her down. He covered her mouth with his hand and told her that he would kill her unless he got what he wanted. He proceeded to penetrate her against her will.

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

Defendant argues that reversal is required because his version of the incident was more credible than complainant's. However, credibility is a matter for the trier of fact to decide. *People v Jackson*, 178 Mich App 62, 65; 443 NW2d 423 (1989). We will not second guess the jury's decision.

Affirmed.

/s/ Marilyn Kelly

/s/ Roman S. Gribbs

/s/ William E. Collette