# STATE OF MICHIGAN

# COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WDUAN DAVID HICKMAN,

Defendant-Appellant.

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UNPUBLISHED
March 18, 1997

No. 187453
Washtenaw Circuit
LC No. 94-003035

Before: Wahls, P.J., and Gage and W.J. Nykamp,* JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of one count of second-degree criminal sexual conduct, MCL 750.520c(1)(a); MSA 28.788(3)(1)(a), and was sentenced to time served and five years' probation. Defendant appeals as of right, and we affirm.

Defendant argues that the evidence was insufficient to support his conviction. In reviewing the sufficiency of the evidence, this Court "must view the evidence in a light most favorable to the prosecution and determine whether any 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). Second-degree criminal sexual conduct is defined by statute as follows:

> (1) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:
>
> (a) That other person is under 13 years of age. [MCL 750.520c(1)(a); MSA 28.788(3)(1)(a).]

Defendant contends that the evidence was insufficient to show that he had any sexual contact with the five-year-old victim. We disagree. The victim testified that on three separate occasions

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

defendant removed her clothing and touched her "vagina" and her "butt." This testimony is sufficient to support defendant's conviction of second-degree criminal sexual conduct.

Defendant alternatively argues that the evidence did not establish that he had the requisite intent to commit the offense. Criminal sexual conduct, second degree, is a general intent offense. *People v Brewer*, 101 Mich App 194, 196; 300 NW2d 491 (1980). General intent crimes involve merely the intent to do the physical act that forms the offense and do not require a particular criminal intent beyond the act done. *People v Beaudin*, 417 Mich 570, 574; 339 NW2d 461 (1983). The jury may draw the inference as to the intent with which a particular act was done as they draw all other inferences, from any fact in evidence which to their minds fully proves its existence. *People v Strong*, 143 Mich App 442, 452; 372 NW2d 335 (1985).

The victim's testimony established that defendant's conduct was not accidental. Defendant pulled off her shirt and underwear before touching her. On one occasion, defendant told the victim that "this is our secret." This testimony was sufficient to allow the jury to infer that defendant intentionally touched the victim.

Affirmed.

/s/ Myron H. Wahls
/s/ Hilda R. Gage
/s/ Wesley J. Nykamp