

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONNIE BEAUFORD,

Defendant-Appellant.

UNPUBLISHED
November 6, 2001

No. 226733
Wayne Circuit Court
LC No. 99-002844

Before: Doctoroff, P.J., and Wilder and Chad C. Schmucker*, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for third-degree criminal sexual conduct, MCL 750.520d(1)(a). We affirm.

Complainant testified that she engaged in acts of sexual intercourse with defendant when she was fourteen-years-old. Defendant asserts that there was insufficient evidence to support his conviction where complainant admitted that she had lied about other actions of defendant.

In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder 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). Credibility questions are for the trier of fact to determine. *People v Daoust*, 228 Mich App 1, 17; 557 NW2d 179 (1998). The trial court specifically found that complainant was a credible witness, and relied on her testimony in finding defendant guilty. This Court will not attempt to resolve credibility issues anew. *Id.* Viewed in a light most favorable to the prosecution, complainant's testimony was sufficient to establish the elements of third-degree criminal sexual conduct.

Defendant also contends that there was no evidence to support the trial court's scoring of sentencing guideline factor OV 10 at ten points, reflecting exploitation of a vulnerable victim. Appellate review of guidelines calculations is limited, and this Court should not disturb the scoring where there is record evidence to support the scores. *People v Johnson*, 202 Mich App 281, 288; 508 NW2d 509 (1993). It is proper for a defendant to be assigned points for exploiting

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

victim vulnerability, even when that vulnerability is reflected in the statutory provision for which the defendant is convicted. *People v Gibson*, 219 Mich App 530, 535; 557 NW2d 141 (1996).

There was evidence to support the court's finding that defendant exploited a vulnerable victim. Defendant supplied an apartment where the fourteen-year-old complainant was allowed to skip school, use drugs and alcohol, and engage in sex with defendant. Given the disparity in the ages between defendant and complainant, there was no error in scoring the guidelines. *People v Cotton*, 209 Mich App 82, 84; 530 NW2d 495 (1995).

Affirmed.

/s/ Martin M. Doctoroff

/s/ Kurtis T. Wilder

/s/ Chad C. Schmucker