STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SILVESTER ROBINSON,

Defendant-Appellant.

UNPUBLISHED
May 21, 1996

No. 177928
LC No. 93-009306

Before: Young, P.J., Holbrook and Ernst, JJ.

PER CURIAM.

Defendant was convicted of assault with intent to commit second-degree criminal sexual conduct, MCL 750.520g(2); MSA 28.788(7)(2), and sentenced to one to five years of imprisonment. He appeals as of right. We affirm.

Defendant argues the evidence was insufficient to sustain his conviction. We must view the evidence in the light most favorable to the prosecutor and 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 Petrella*, 424 Mich 221, 268-270; 380 NW2d 11 (1985).

Defendant said he was trying to wake up the victim's mother, who was sleeping on another couch, but in the darkness was actually jostling the twelve year old victim. The victim said that she felt someone touching her buttocks and started, causing defendant to jump to a position of concealment. Defendant returned and resumed fondling the victim. The trial court found that his return evidenced an intent beyond that which defendant admitted, and we agree. Circumstantial evidence and reasonable inferences therefrom may form the basis for conviction. *People v Jolly*, 442 Mich 458, 466; 502 NW2d 177 (1993); *People v Mumford*, 60 Mich App 279, 283; 230 NW2d 395 (1975). We find no error.

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

Next, defendant argues that the court failed to articulate adequate reasons for departing from the guidelines. This argument is without merit. It is clear from the sentencing record that defendant's sentence was within the guidelines range of zero to twelve months, and thus the court had no duty to articulate the reasons for the sentence imposed. *People v Lawson*, 195 Mich App 76, 78; 489 NW2d 147 (1992).

Affirmed.

/s/ Robert P. Young, Jr.
/s/ Donald E. Holbrook, Jr.
/s/ J. Richard Ernst