

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BARRY NORRIS,

Defendant-Appellant.

UNPUBLISHED
November 9, 2001

No. 225998
Wayne Circuit Court
LC No. 99-006489

Before: Doctoroff, P.J., and Wilder and 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.

Defendant was charged with four counts of third-degree CSC. The first count charged sexual penetration of a person between the ages of thirteen and sixteen, the other counts charged sexual penetration by force or coercion. Complainant was the sole witness. The court found complainant to be credible, and found defendant guilty of the first count. The court found that the testimony was insufficient to establish force or coercion beyond a reasonable doubt, and found defendant not guilty on the remaining counts.

On appeal, defendant argues that the evidence was insufficient to support his conviction, and the court reached an improper compromise verdict. We disagree.

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). Complainant's explicit testimony was sufficient to support the verdict.

A compromise verdict is improper in a bench trial. *People v Vaughn*, 409 Mich 463; 295 NW2d 354 (1980). The court could, without being inconsistent, find that complainant's testimony was sufficient to support the first count, but insufficient to show that other acts were induced by force or coercion. The court did not enter fatally inconsistent verdicts.

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

Affirmed.

/s/ Martin M. Doctoroff

/s/ Kurtis T. Wilder

/s/ Chac C. Schmucker