

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY WAYNE WARD,

Defendant-Appellant.

UNPUBLISHED

March 1, 2005

No. 251407

Wayne Circuit Court

LC No. 03-006707-01

Before: Fort Hood, P.J., and Griffin and Donofrio, JJ.

MEMORANDUM.

Defendant appeals as of right from his conviction of first-degree criminal sexual conduct (CSC I), the victim being under thirteen years of age, MCL 750.520b(1)(a), entered after a jury trial. We affirm.

Complainant, the daughter of defendant's former girlfriend, testified that on one occasion defendant spread her vaginal lips with his thumbs. Defendant denied that he touched complainant in that manner.

In reviewing a sufficiency of the evidence question, we view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense were proven beyond a reasonable doubt. *People v Bulls*, 262 Mich App 618, 623; 687 NW2d 159 (2004). We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002). A trier of fact may make reasonable inferences from direct or circumstantial evidence in the record. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

A person is guilty of CSC I if he engages in sexual penetration with another person who is under thirteen years of age. MCL 750.520b(1)(a). "Sexual penetration" includes any "intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body." MCL 750.520a(o).

Defendant argues that insufficient evidence was produced to support his conviction of CSC I.¹ We disagree and affirm. The testimony of a sexual assault complainant need not be corroborated by other evidence, MCL 750.520h, and the jury was entitled to accept complainant's testimony as credible. *Milstead, supra*. Complainant's testimony supported an inference that defendant's thumbs penetrated her vagina. *Vaughn, supra*. Slight penetration is sufficient to support a conviction of CSC I. MCL 750.520a(o). The evidence, viewed in a light most favorable to the prosecution, was sufficient to support defendant's conviction of CSC I. *Bulls, supra*.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Richard Allen Griffin
/s/ Pat M. Donofrio

¹ Defendant does not challenge his four convictions of second-degree criminal sexual conduct, the victim being under thirteen years of age, MCL 750.520c(1)(a). Those convictions resulted from allegations made by complainant and her sister.