

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RAMON MITIDLE SANCHEZ,

Defendant-Appellant.

UNPUBLISHED

January 31, 1997

No. 190285

Van Buren Circuit Court

LC No. 94-009098

Before: Corrigan, P.J., and J.B. Sullivan* and T.G. Hicks,** J.J.

PER CURIAM.

Defendant appeals as of right his jury trial conviction of second-degree criminal sexual conduct, MCL 750.520c(1)(a); MSA 28.788(3)(1)(a). We affirm.

Defendant first argues that there was insufficient evidence to support his conviction. We disagree. Second-degree criminal sexual conduct occurs when a “person engages in sexual contact with another person” and the “other person is under 13 years of age.” MCL 750.520c(1)(a); MSA 28.788(3)(1)(a). Sexual contact is defined as the “intentional touching of the victim’s or actor’s intimate parts or the intentional touching of the clothing covering the immediate area of the victim’s or actor’s intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification.” MCL 750.520a(k); MSA 28.788(1)(k). Defendant argues that there was no evidence of sexual intent. We disagree. Complainant stated that defendant licked her butt, and she demonstrated a lick by oscillating her tongue in and out. Furthermore, defendant admitted that he kissed and blew on complainant’s bare butt and that his head “ended up in-between [complainant’s] legs who had no underwear on.” This evidence would allow a rational trier of fact to reasonably construe defendant’s actions as having a sexual purpose.

* Former Court of Appeals Judge, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

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

Defendant next argues that he was denied effective assistance of counsel when his attorney failed to attack complainant's mother's bias on the witness stand. We disagree. In order to prevail on an ineffective assistance of counsel argument, defendant must show that counsel's performance fell below an objective standard of reasonableness and that the representation so prejudiced him as to deprive him of a fair trial. *People v Pickens*, 446 Mich 298, 303; 521 NW2d 797 (1994). Defendant has not shown these things. Defense counsel acted reasonably in not attacking the witness' credibility. There was no reason to do so. Attacking the witness' credibility would have had no effect on the outcome of the case because complainant's testimony and defendant's admissions alone provided sufficient evidence to convict defendant. The witness' testimony added nothing new to the prosecution's case other than to establish the date and time in which the offense occurred.

Affirmed.

/s/ Maura D. Corrigan

/s/ Joseph B. Sullivan

/s/ Timothy G. Hicks