

STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM WICHERS,

Defendant-Appellant.

UNPUBLISHED

September 25, 1998

No. 201528

Oakland Circuit Court

LC No. 96-144038 FH

Before: Whitbeck, P.J., and McDonald and T. G. Hicks*, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of fourth-degree criminal sexual conduct, MCL 750.520e(1)(a); MSA 28.788(5)(1)(a), and sentenced to one year of probation. Defendant appeals as of right. We affirm.

Defendant argues that the evidence adduced at trial was insufficient to sustain his conviction of CSC-IV. Defendant's argument is premised on a claim that the victim's testimony lacked credibility. The trial court found the victim credible. Credibility is a matter for the trier of fact to ascertain and we will not resolve it anew. *People v Vaughn*, 186 Mich App 376, 380; 465 NW2d 365 (1990).

Additionally, we find there was sufficient evidence to sustain defendant's conviction. Testimony established that, at the time of the crime defendant was forty-six and the victim was thirteen. Moreover, the victim testified that on September 14, 1995, while she was at defendant's home watching a movie with him, defendant reached over, raised her T-shirt and bra, twice kissed one of her breasts and then asked the victim, after she pulled her shirt down, "well, don't you like it?" *People v Wolfe*, 440 Mich 508, 513-515; 489 NW2d 748, modified 441 Mich 1201 (1992); MCL 750.520e(1)(a); MSA 28.788(5)(1)(a); MCL 750.520h; MSA 28.788(8).

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

Finally, because it is manifest from the trial court's articulation that it was aware of the factual issues and resolved them, the court's findings were sufficient to satisfy MCR 2.517. *People v Johnson (On Rehearing)*, 208 Mich App 137, 141; 526 NW2d 617 (1994).

Affirmed.

/s/ William C. Whitbeck

/s/ Gary R. McDonald

/s/ Timothy G. Hicks