

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GEORGE W. DREACHSLIN,

Defendant-Appellant.

UNPUBLISHED

March 3, 2000

No. 204202

Oakland Circuit Court

LC No. 96-149396-FH

Before: Meter, P.J., and Griffin and Owens, JJ.

PER CURIAM.

Defendant appeals as of right from his jury conviction for first-degree criminal sexual conduct, MCL 750.520b(1)(b)(iii); MSA 28.788(2)(1)(b)(iii). We affirm.

The circuit court did not abuse its discretion in allowing the prosecutor to submit evidence regarding defendant's prior molestation of another boy. Given the defense of general denial, the evidence was admitted for a proper purpose under MRE 404(b)(1) of proving defendant's modus operandi. See *People v VanderVliet*, 444 Mich 52, 83-87; 508 NW2d 114 (1993); *People v Terry Miller (On Remand)*, 186 Mich App 660, 663-664; 465 NW2d 47 (1991). Further, the probative value of the evidence was not substantially outweighed by its danger of unfair prejudice. *People v Crawford*, 458 Mich 376, 385, 387; 582 NW2d 785 (1998); *People v Starr*, 457 Mich 490, 496-497, 500, 503; 577 NW2d 673 (1998); MRE 403.

Defendant did not object to the trial court's jury instructions. Because our review of the record reveals that any instructional error did not result in manifest injustice, appellate review of defendant's claims of instructional error is waived. *People v Pouncey*, 437 Mich 382, 386; 471 NW2d 346 (1991); *People v Johnson*, 187 Mich App 621, 627-628; 468 NW2d 307 (1991).

Viewed in a light most favorable to the prosecution, the evidence was sufficient to enable a rational trier of fact to find beyond a reasonable doubt that defendant was in a position of authority over the victim and used that authority to coerce the victim into submitting to the charged sexual conduct, thereby satisfying MCL 750.520b(1)(b)(iii); MSA 28.788(2)(1)(b)(iii). *People v Jolly*, 442 Mich 458, 465-466; 502 NW2d 177 (1993); *People v Reid*, 233 Mich App 457, 468; 592 NW2d 767 (1999).

Affirmed.

/s/ Patrick M. Meter

/s/ Richard Allen Griffin

/s/ Donald S. Owens