

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT GLENN DECKER,

Defendant-Appellant.

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UNPUBLISHED

May 19, 2000

No. 217836

Barry Circuit Court

LC No. 98-000173-FC

Before: Bandstra, C.J., and Jansen and Whitbeck, JJ.

PER CURIAM.

A jury convicted defendant Robert Glenn Decker of four counts of first-degree criminal sexual conduct, MCL 750.520b(1)(a); MSA 28.788(2)(1)(a). The trial court sentenced Decker to an enhanced prison sentence as a fourth habitual offender, MCL 769.12; MSA 28.1084, of four life terms. Decker appeals as of right. We affirm.

**I. Basic Facts And Procedural History**

The case arises from Decker's sexual abuse of two young boys in 1992. At trial, the first victim testified that he was born on November 3, 1981. Until the age of fourteen, he lived with his parents and siblings in Hastings. "[B]etween summer and winter" of 1992, Decker lived in "a tent . . . out in [the first victim's parents'] back yard"; the first victim's parents confirmed that Decker lived in their back yard during the summer of 1992. The first victim gave detailed testimony about three specific instances of sexual abuse by Decker. On one occasion, while Decker was watching the first victim for his parents, Decker told him to "suck his penis" and that he then performed fellatio on Decker. On another occasion, the first victim masturbated Decker after being told to do so by the first victim's father. On a third occasion, Decker paid the first victim's father "twenty dollars in food stamps," and in return the first victim "had to let [Decker] have sex . . . in my butt."

The second victim, the first victim's brother, testified that he was born on July 18, 1985, and lived in Hastings with his parents until 1995. The second victim testified that Decker sexually abused him approximately "twice a day" while he was living in the tent in the yard, and stated that he was forced to perform fellatio on Decker "millions of times."

At trial, Sherri Irwin testified as an expert in the field of counseling sexually abused children. Irwin graduated from Calvin College in 1992 with a degree in psychology. She then worked for three years providing foster care for sexually and physically abused and neglected children through Bethany Christian Services residential treatment program. In 1995, Irwin enrolled in a graduate program at Indiana University, where she studied and became “familiar with the facts and circumstances of” cases involving the sexual abuse of children. In 1997, she received a master’s degree in counseling from Indiana University. From 1997 through the time of trial she was employed as a “unit therapist” at Bethany. As a unit therapist, Irwin was responsible for “the case management counseling services of eleven residents.” The residents of Bethany are children who have been placed in the program by the juvenile court or the Family Independence Agency. These children generally stay at Bethany for fifteen to eighteen months. A majority of the children Irwin has counseled at Bethany have been victims of sexual abuse and they were all sexual offenders. At the time of trial, nine out of the eleven children on Irwin’s caseload had admitted to being sexually abused.

The prosecutor called Irwin to testify to explain the first victim’s delay in reporting that Decker had sexually abused him until after he had been in the sex offender treatment program at Bethany for approximately one year.<sup>1</sup> The first victim testified that he did not report Decker’s abuse earlier because he “was afraid [he] would get in trouble – for going along with the sexual offenses.” Irwin testified that it has been her experience that victims of sexual abuse often delay discussing the abuse during counseling.

What I tend to see is a more sometimes periphery or – or certain elements of the abuse. And then once the discussions begin and the child is able to continue in therapy, there tends to be more disclosure when the child feels safe.

\* \* \*

Often times what I see in the course of developing a relationship with one of the residents on my unit is that after a period of time they may finally begin to feel safe, and then they may disclose for the first time some new information that hasn’t already been known or reported to the authorities.

At trial, Decker admitted that he lived in the victims’ parents’ back yard in 1992, but denied sexually abusing the victims.

## II. Expert Testimony

### A. Preservation Of The Issue And Standard of Review

Decker argues that Irwin was improperly allowed to testify as an expert. Decker objected to Irwin’s qualifications. Accordingly, the issue is preserved for appeal. The trial court has the discretion to determine if a witness is an expert and if his or her testimony is admissible. *Mulholland v DEC Int’l Corp*, 432 Mich 395, 402; 443 NW2d 340 (1989). The trial court’s decision on these issues will not be reversed absent an abuse of that discretion. *Id.*

## B. Admission of Expert Testimony

There are three prerequisites to admitting expert testimony: “(1) the witness must be an expert; (2) there must be facts in evidence that require or are subject to examination and analysis by a competent expert; and (3) there must be knowledge in a particular area ‘that belongs more to an expert than to a common man.’” *King v Taylor Chrysler-Plymouth, Inc.*, 184 Mich App 204, 215; 457 NW2d 42 (1990), quoting *O’Dowd v Linehan*, 385 Mich 491, 509-510; 189 NW2d 814 (1986). A witness may be qualified as an expert by knowledge, skill, experience, training or education; the test for qualification is broad. MRE 702; *Mulholland*, *supra* at 403.

## C. Irwin’s Qualifications

We conclude that Irwin was properly qualified to testify as an expert in the field of counseling sexually abused children; as we set out above, her qualifications were extensive and directly relevant to the issue concerning which she testified. Further, we recognize that the knowledge that victims of sexual abuse often will not discuss the abuse until they have developed a trusting relationship with a counselor is knowledge that “belongs more to an expert than to a common man.” *King*, *supra* at 215. Because the three prerequisites for admitting expert testimony were satisfied, we conclude that the trial court properly allowed Irwin to testify that it is common for victims of sexual abuse to delay reporting or discussing such abuse.

Affirmed.

/s/ Richard A. Bandstra

/s/ Kathleen Jansen

/s/ William C. Whitbeck

<sup>1</sup> The first victim was sent to Bethany for treatment because he had sexually abused his younger brother, the second victim.