

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PATRICK E. DAVIS,

Defendant-Appellant.

UNPUBLISHED

January 30, 2001

No. 219697

Wayne Circuit Court

LC No. 98-011269

Before: Collins, P.J., and Doctoroff and White, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for assault with intent to commit criminal sexual conduct involving penetration. MCL 750.520g(1); MSA 28.788(7)(1). We affirm.

On appeal, defendant asserts that there was insufficient evidence to support his conviction. In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992).

Here, the victim's testimony along with medical evidence was sufficient to support the conviction. The victim testified that she was fully clothed when she fell asleep, and woke to find her clothing removed and defendant on top of her. There was sufficient evidence to support the court's finding that defendant was attempting to penetrate her without consent.

Affirmed.

/s/ Jeffrey G. Collins

/s/ Martin M. Doctoroff

/s/ Helene N. White