

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

BILLY ALLEN GEROW,

Defendant-Appellant.

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UNPUBLISHED

September 28, 2001

No. 224412

Genessee Circuit Court

LC No. 99-004708-FH

Before: Cavanagh, P.J., and Markey and Cooper, JJ.

MEMORANDUM.

Defendant appeals by right his conviction of second-degree criminal sexual conduct (CSC2), MCL 750.520c(1)(b)(iii). We affirm.

Defendant argues that there was insufficient evidence to prove that he used his authority over the victim to coerce her to submit to the sexual contact. We disagree. The evidence presented to the jury showed that defendant was in a position of authority, effectively *in loco parentis* with regard to the victim, and had a history of subjecting her to inappropriate sexual conversation and behavior. Defendant abused his position of authority over the victim in order to engage in the sexual fondling that resulted in his conviction. Viewing the evidence in a light most favorable to the prosecutor, a rational trier of fact could have found beyond a reasonable doubt that defendant's actions constituted implied or constructive coercion. *People v Jolly*, 442 Mich 458, 465-466; 502 NW2d 177 (1993); *People v Premo*, 213 Mich App 406, 410-411; 540 NW2d 715 (1995).

We affirm.

/s/ Mark J. Cavanagh

/s/ Jane E. Markey

/s/ Jessica R. Cooper