

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TOMMIE COLEY,

Defendant-Appellant.

UNPUBLISHED

October 28, 2004

No. 248598

Wayne Circuit Court

LC No. 03-002178-01

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

MEMORANDUM.

Defendant was charged with three counts each of first-degree criminal sexual conduct, MCL 750.520b(1)(a), and second-degree criminal sexual conduct, MCL 750.520c(1)(a). Following a bench trial, defendant was convicted of two counts each of first-degree CSC and second-degree CSC, and was sentenced to concurrent prison terms of 15 to 25 years and 5 to 15 years, respectively. Defendant appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole issue on appeal is that the evidence was insufficient to sustain his convictions. Defendant does not challenge the sufficiency of the evidence as it relates to the elements of the crimes charged and we find that the victim's testimony and that of her examining physician was, if believed, sufficient to prove the elements of each crime beyond a reasonable doubt. Rather, defendant contends that the victim's testimony, which was not subject to independent verification, was incredible and the trial court erred in concluding otherwise.

The victim's testimony need not be corroborated. MCL 750.520h. In addition, witness credibility is a matter of weight, not sufficiency, of the evidence. *People v Scotts*, 80 Mich App 1, 9; 263 NW2d 272 (1977). In any event, this Court will not resolve the issue of witness credibility anew on appeal. *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002).

We affirm.

/s/ William C. Whitbeck

/s/ Kathleen Jansen

/s/ Richard A. Bandstra