

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LARAY ANTAWN WILLIAMS,

Defendant-Appellant.

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UNPUBLISHED

January 8, 2009

No. 282324

Calhoun Circuit Court

LC No. 2007-002128-FH

Before: Zahra, P.J., and O’Connell and Fort Hood, JJ.

PER CURIAM.

Defendant was convicted by a jury of two counts of third-degree criminal sexual conduct (CSC), MCL 750.520d(1)(a). He was sentenced as an habitual offender, third offense, MCL 769.11, to concurrent sentences of 15 to 30 years’ imprisonment for each count. Defendant appeals as of right. We affirm.

At approximately 11:30 p.m. on or about January 7, 2007, the victim approached the home of Frederick Smith to return dinner plates. The victim testified at trial that she entered the home and went into the kitchen where she encountered the defendant. After defendant showed the victim some pictures of his children and told her that he did not have AIDS, he started to kiss and rub against the victim. Defendant pulled down the victim’s pants and inserted his finger into her vagina. He vaginally penetrated her with his penis. During the incident, the victim told defendant she “did not want to do it” and that she “wanted to go home.” The victim was 14 years old at the time of the incident.

Defendant alleges that there was insufficient evidence to sustain two convictions for third-degree criminal sexual conduct. We disagree. The standard of review for a sufficiency of the evidence claim is de novo, and the reviewing court must review “the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt.” *People v Nowack*, 462 Mich 392, 399-400; 614 NW2d 78 (2000). This is a highly deferential standard of review; it requires the reviewing court to “to draw all reasonable inferences and make credibility choices in support of the jury verdict.” *Id.* at 400.

MCL 750.520d provides in relevant part:

(1) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exist: (a) That other person is at least 13 years of age and under 16 years of age.

Further, MCL 750.520a provides in relevant part:

(p) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.

The jury in this case had the direct testimony of the victim, which established all of the elements of the crime and identified defendant as the perpetrator. No corroborating testimony for the victim's testimony is required in CSC cases under our statutes. MCL 750.520h. Additionally, Smith testified that the victim told him immediately after the incident that defendant fingered her and that she and defendant "had sex." The victim's testimony was also supported by Officer Munoz who testified that the victim told him about the vaginal penetration and the previous digital touching by defendant. Detective Wise's testimony further supported the victim's testimony that a digital penetration occurred. A rational jury could have found that defendant engaged in two acts of sexual penetration. The jury determined that the victim's testimony was credible, and we conclude that the evidence was sufficient to establish the penetration elements of the crime required under MCL 750.520d(1)(a) for both CSC counts.

Affirmed.

/s/ Brian K. Zahra  
/s/ Peter D. O'Connell  
/s/ Karen M. Fort Hood