

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JORGE SAUCEDO,

Defendant-Appellant.

UNPUBLISHED

December 27, 1996

No. 188710

LC No. 94-020384

Before: Taylor, P.J., and Gribbs and R. D. Gotham,* JJ.

PER CURIAM.

Defendant appeals as of right from his conviction by jury of second-degree criminal sexual conduct (CSC II), MCL 750.520c(1)(b)(iii); MSA 28.788(3)(1)(b)(iii). Defendant was sentenced to 365 days in jail. We affirm.

Defendant claims that the evidence presented at trial was insufficient because the complainant was not credible. Specifically, defendant argues that the prosecution failed to prove beyond a reasonable doubt that defendant committed CSC II because (1) no witnesses substantiated complainant's testimony regarding defendant's sexual misconduct; (2) the complainant gave differing testimony at the preliminary examination and at trial; and (3) defendant testified that the complainant immediately left when he came home on the day in question.

In essence, defendant is claiming that the evidence was insufficient because the complainant was not credible. However, this Court will not interfere with the jury's role of determining the credibility of witnesses. *People v Wolfe*, 440 Mich 508, 514; 489 NW2d 748, amended 441 Mich 1201-1202 (1992). Moreover, we note that, despite some discrepancies in her testimony, there was some indicia that the complainant's testimony was credible in that she immediately told her boyfriend of the incident and the boyfriend testified that he heard defendant admit to the accusation. Furthermore, MCL 750.520h; MSA 28.210h specifically provides that a CSC victim's testimony need not be corroborated and, thus, defendant's contention that it needed to be corroborated is without merit. Regarding the complainant's inconsistent statement, although it was admissible to impeach her under MRE 607, it did

* Circuit judge, sitting on the Court of Appeals by assignment.

not undermine her substantive trial testimony. The impeachment was on a collateral point; on both occasions, the complainant testified about the element essential to defendant's conviction that there was sexual contact. Because the jury believed the complainant's testimony and she provided evidence on each element of the crime, there was sufficient evidence to convict defendant.

Affirmed.

/s/ Clifford W. Taylor

/s/ Roman S. Gibbs

/s/ Roy D. Gotham