

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

COREY N. MARTIN,

Defendant-Appellant.

UNPUBLISHED

December 8, 1998

No. 204966

Recorder's Court

LC No. 96-001224

Before: Sawyer, P.J., and Wahls and Hoekstra, JJ.

MEMORANDUM.

Defendant appeals by right his conviction on three counts of first degree criminal sexual conduct, MCL 750.520b(1)(a); MSA 28.788(2)(1)(a), entered after a jury trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Complainant, who was twelve years old at the time of trial, testified as to three sexual assaults committed on her by defendant when she was seven years old. Complainant testified that defendant touched her "back privacy" with his "front privacy" and that he "humped" her. She testified that it hurt her "back privacy" and that the pain was not from defendant's weight. The court denied defendant's motion for directed verdict, finding that a jury could conclude that penetration occurred. After requesting additional instructions on penetration, the jury convicted defendant as charged.

On appeal, defendant asserts that the trial court erred in denying his motion for directed verdict, and that there was insufficient evidence of penetration to support first degree criminal sexual conduct convictions. We disagree. When determining whether sufficient evidence has been presented to sustain a conviction, a 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, amended 441 Mich 1201; 489 NW2d 748 (1992). Circumstantial evidence and reasonable inferences arising from the evidence may constitute satisfactory proof of the elements of a crime. *People v Jolly*, 442 Mich 458, 466; 502 NW2d 177 (1993).

Viewing complainant's testimony in the light most favorable to the prosecution, we find that there was sufficient evidence of penetration. Complainant testified in general, non-clinical terms. Although she did not testify in specific terms as to penetration, she testified that her "back privacy" hurt from the assault, and that the pain was not caused by defendant's weight. A reasonable juror could find from complainant's testimony that anal penetration was the source of complainant's pain.

Affirmed.

/s/ David H. Sawyer

/s/ Myron H. Wahls

/s/ Joel P. Hoekstra