

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRIAN K. IRONS,

Defendant-Appellant.

UNPUBLISHED

March 1, 2002

No. 230139

Wayne Circuit Court

LC No. 99-009671

Before: Bandstra, P.J., and Murphy and Murray, JJ.

PER CURIAM.

Defendant appeals as of right from his convictions of two counts of criminal sexual conduct in the second degree (CSC II), MCL 750.520c(1)(a), entered after a bench trial. We affirm.

Complainant, who was eight-years-old at the time of trial, testified that defendant placed his hand inside her bathing suit and touched her “private part,” meaning her vaginal area, and her buttocks. In addition, defendant knocked out one of her teeth when attempting to cover her mouth with his hand. Complainant reported the incident to her baby-sitter, who contacted the police. Photographs taken by the investigating officer showed specs of blood on the mattress in defendant’s bedroom, and depicted complainant’s sandals in the room. The trial court found defendant guilty as charged, and observed that complainant’s testimony was quite credible.

When reviewing a challenge to the sufficiency of the evidence in a bench trial, we view the evidence presented in a light most favorable to the prosecution, and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 268-270; 380 NW2d 11 (1985); *People v Vaughn*, 186 Mich App 376, 379; 465 NW2d 365 (1990). The trier of fact may make reasonable inferences from evidence in the record, but may not make inferences completely unsupported by any direct or circumstantial evidence. *Petrella, supra* at 275; *Vaughn, supra* at 379-380.

In a bench trial, the court must make findings of fact and state separately its conclusions of law. MCR 6.403. Findings are sufficient if it appears that the court was aware of the issues and correctly applied the law. *People v Smith*, 211 Mich App 233, 235; 535 NW2d 248 (1995). We review a trial court’s findings of fact for clear error. MCR 2.613(C); *People v Hermiz*, 235

Mich App 248, 255; 597 NW2d 218 (1999), aff'd by equal division 462 Mich 71; 611 NW2d 783 (2000).

A person is guilty of CSC II if he engages in sexual contact with another person under certain defined circumstances, including if the other person is under thirteen years of age. MCL 750.520c(1)(a). Sexual contact constitutes the intentional touching of the victim's or actor's intimate parts if the touching can reasonably be construed as being for the purpose of sexual arousal or gratification. MCL 750.520a(1); *People v Piper*, 223 Mich App 642, 645; 567 NW2d 483 (1997).

Defendant argues that insufficient evidence was presented to support his convictions in that the evidence did not establish that the contact was for the purpose of sexual arousal or gratification. We disagree and affirm defendant's convictions. The undisputed evidence showed that complainant was under thirteen years of age at the time the charged conduct occurred. Complainant testified that defendant touched her vaginal area and her buttocks under her clothing. The trial court was entitled to believe complainant's testimony. *People v Marji*, 180 Mich App 525, 542; 447 NW2d 835 (1989). Furthermore, given the circumstances under which the charged conduct occurred, the trial court could reasonably conclude that defendant engaged in sexual contact with complainant for the purpose of sexual arousal or gratification. MCL 750.520a(1); *Vaughn, supra*. Viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's convictions. *Petrella, supra*.

Affirmed.

/s/ Richard A. Bandstra
/s/ William B. Murphy
/s/ Christopher M. Murray