

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES HOLLOWAY, II,

Defendant-Appellant.

UNPUBLISHED

October 20, 2005

No. 256436

Wayne Circuit Court

LC No. 03-011642-01

Before: Talbot, P.J., and White and Wilder, JJ.

PER CURIAM.

Defendant appeals as of right his bench trial convictions of seven counts of first-degree criminal sexual conduct, MCL 750.520b(1)(b)(ii) (three counts) and MCL 750.520b(1)(a) (four counts), three counts of second-degree criminal sexual conduct, MCL 750.520c(1)(a) (one count) and MCL 750.520c(1)(b)(ii) (two counts), and domestic violence, MCL 750.81(2). Defendant was sentenced to concurrent terms of seventeen to thirty years for each first-degree criminal sexual conduct conviction, ten to fifteen years for each second-degree criminal sexual conduct conviction, and ninety days for the domestic violence conviction. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant challenges only the sufficiency of the evidence to support his convictions. Defendant contends that, due to the sometimes inconsistent and vague testimony of the minor victims, without any physical evidence of sexual abuse or witnesses to corroborate the testimony, the evidence was insufficient to support his convictions. We disagree.

In a criminal case, a prosecutor must introduce evidence sufficient to justify a trier of fact in concluding that the defendant is guilty beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999); *People v Tombs*, 260 Mich App 201, 206-207; 679 NW2d 77 (2003), *aff'd* 472 Mich 446 (2005). This standard must be met for all essential elements of the crime. *People v Fennell*, 260 Mich App 261, 270; 677 NW2d 66, (2004). However, assessing the credibility of testimony is a matter for the trier of fact to decide. *People v Davis*, 241 Mich App 697, 700; 617 NW2d 381 (2000). Thus, we will not interfere with the trier of fact's "role of determining the weight of evidence or deciding the credibility of witnesses." *People v Fletcher*, 260 Mich App 531, 561-62; 679 NW2d 127 (2004).

The trial court determined that the witnesses were credible. While the testimony of the minor victims may have been inconsistent and vague in some instances, the court found that the

girls were “quite bright” and “articulate.” The only hesitancy on the part of the witnesses was by the youngest victim who was ten years old at the time of the trial. The court attributed this hesitancy to her youth. The court deemed the testimony of the victims sufficient to convict defendant.

Defendant’s claim, that the testimony is insufficient to convict, is not supported by case law, statute, or the lower court record. The testimony of witnesses is sufficient to prove the elements of a crime beyond a reasonable doubt. *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988); *People v Thomas*, 7 Mich App 103, 104; 151 NW2d 186 (1967); see also, *People v Green*, 469 Mich 962; 671 NW2d 38, (2003). Further, the Michigan criminal sexual conduct statute states that “[t]he testimony of a victim need not be corroborated in prosecutions under sections [750.]520b to 520g.” MCL 750.520h; see also, *People v Lemmon*, 456 Mich 625, 632 n 6; 576 NW2d 129 (1998). In the instant case, all three victims testified to sexual abuse by defendant, and two of the victims testified to witnessing sexual abuse of one of the other victims.

Affirmed.

/s/ Michael J. Talbot
/s/ Helene N. White
/s/ Kurtis T. Wilder