*If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.*

# STATE OF MICHIGAN

# COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID JOSEPH ROHM,

Defendant-Appellant.

FOR PUBLICATION

November 14, 2025
9:14 AM
No. 369338
Otsego Circuit Court
LC No. 2023-006494-FC

Before: GADOLA, C.J., and BOONSTRA and SWARTZLE, JJ.

SWARTZLE, J. (*concurring*).

I obviously concur in the majority opinion that I authored. I write separately to reiterate my jeremiad against the use of the term "victim" to refer to a complainant in a case like this one, in open court before the jury, prior to any finding of guilt. *People v Aikens*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (SWARTZLE, J, concurring). Here, the prejudicial effect of the term's usage was dampened by the trial court's instruction during voir dire that the jurors should understand that the term "victim" actually meant "alleged victim," at least before the jury decided whom to believe after the close of proofs.

/s/ Brock A. Swartzle