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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED October 16, 2026 8:44 AM
v	No. 376232 Wayne Circuit Court
BRYAN RICOALLEN PEOPLES, Defendant-Appellant.	LC No. 24-005643-01-FC

Before: MURRAY, P.J., and BOONSTRA and RIORDAN, JJ.

PER CURIAM.

Defendant appeals as of right his bench trial conviction of two counts of second degree criminal sexual conduct ("CSC-II"), MCL 750.520c (person under 13, defendant 17 or older). Defendant argues that his convictions should be vacated because the verdict was against the great weight of the evidence. We affirm.

I. BACKGROUND

This case arises from four alleged incidents between defendant and the minor victim, MJ, who was between the ages of nine and eleven at the time. These incidents occurred at MJ's grandmother's former home. Defendant is the ex-boyfriend of MJ's grandmother, M. Martin. Contradicting testimony was given at trial between MJ, Martin, and MJ's mother, J. Glenn. MJ testified that she would stay with Martin at the house about four or five days a week and would sometimes spend the night. Martin, on the other hand, stated that MJ would stay at the house two to three days a week for about two to three hours, but never at night. Glenn, similar to MJ, stated that MJ would visit the house at least three days a week and that there were times when MJ would spend the night.

MJ testified that the first incident with defendant occurred one afternoon after Martin left the house, though Martin stated MJ was never left alone with defendant at the house. Martin explained this was not only because of defendant's work schedule, but also because defendant and Glenn did not get along with one another. Martin also specified that she would not have left MJ alone at the house because she was unable to drive due to physical disabilities, though she did resume driving in 2020.

While MJ stated she had her own room at the house, Martin testified to the contrary. According to MJ, defendant walked into her bedroom while she was lying on the bed and they had a conversation before he initiated play fighting. During this time, defendant's hands touched MJ's upper area, which she defined as the area of her body where she wears a shirt and a bra. Defendant also touched MJ's lower area, which she defined as the area of her body where she wears underwear and where she pees, in a grabbing, grope-like manner. The touching stopped when MJ asked defendant to stop and the two resumed play fighting.

A second incident occurred when MJ was sitting on the couch and watching the television in the living room of the house. According to MJ, Martin was not home at the time. Defendant sat on the couch and the two had a conversation before he initiated play fighting. Defendant proceeded to touch MJ's upper area and upper thighs for a couple of minutes. This time, the touching stopped, and the play fighting resumed because Martin came home.

The third incident occurred while MJ was in her bedroom and Martin was not at the house. On this occasion, MJ moved to her bed when defendant entered the room and sat on the edge of her bed. The two engaged in a conversation before defendant initiated play fighting where he used one hand to touch her arm and upper area.

The fourth incident occurred in her bedroom when defendant walked into the room and sat on her bed while she was watching her phone. MJ stated that she knew Martin was not home because Martin had told her she was leaving. Defendant and MJ had a conversation before he initiated play fighting. During the play fighting, defendant first touched MJ's upper area, then lower area, moved closer to her on the bed, and pulled her shorts and underwear off her body. Defendant's fingers then proceeded to go inside the area where MJ pees for a couple of minutes, but when MJ began to cry and asked him to stop, he stopped. Martin went into MJ's bedroom when she returned home, though MJ did not say anything about what had occurred because she was worried about Martin's relationship with defendant.

MJ continued to visit Martin's house, but stated these visits became less frequent after the incidents occurred. According to MJ, defendant stopped touching her when she was approximately eleven years old. Glenn stated that MJ was angry, isolated, and did not want to be around family around the same time these incidents occurred. Eventually, MJ went to therapy. It was MJ's therapist that disclosed to Glenn that MJ needed to go to the police station. When asked if she needed to talk, MJ told Glenn about the incidents with defendant and the two immediately drove to the police station.

At the conclusion of the bench trial, the court found MJ and Glenn to be credible witnesses and only believed half of Martin's testimony. The trial court opined that defendant groomed MJ to touch her upper and lower areas through play fighting, and convicted him of two counts of CSC-II, but acquitted him of one count of first-degree criminal sexual conduct (CSC-I), MCL 750.520b.

II. STANDARDS OF REVIEW

Defendant argues that the trial court, acting as the factfinder, failed to provide an adequate explanation for its finding that Martin's testimony was less than credible. Defendant further argues

that the trial court's failure to properly consider Martin's testimony preponderates so heavily against his convictions that it would be a miscarriage of justice to allow them to stand.

Following a bench trial, unlike a trial by jury, there are no special steps required to preserve an argument that the trial court's findings were contrary to the great weight of the evidence. *People v Anderson*, 341 Mich App 272, 276; 989 NW2d 832 (2022), citing MCR 2.517(A)(7), and MCR 7.211(C)(1)(c). We review the trial court's factual findings for clear error. *Avery v State*, 345 Mich App 705, 715; 9 NW3d 115 (2023). "A finding is clearly erroneous when, although there is evidence to support it, the reviewing court is left with a definite and firm conviction that a mistake has been made." *People v Lanzo Constr Co*, 272 Mich App 470, 473; 726 NW2d 746 (2006).

III. GREAT WEIGHT OF THE EVIDENCE

Defendant argues that the trial court failed to properly support its finding that Martin was not credible and did not adequately consider her testimony and, therefore, the great weight of the evidence does not support his convictions.

An individual who is 17 years of age or older is guilty of CSC-II when he engages in "sexual contact" with another person under 13 years of age. MCL 750.520c(1)(a) and (2)(b). Sexual contact for the purposes of CSC-II:

> includes the intentional touching of the victim's . . . intimate parts or the intentional touching of the clothing covering the immediate area of the victim's . . . intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner . . . . [MCL 750.520a(q).]

Defendant does not dispute that MJ was between the ages of nine and eleven, nor does he dispute that he was over the age of 17, at the time of these incidents.

In determining whether the great weight of the evidence supported defendant's convictions, we must determine whether "the evidence preponderates so heavily against the verdict that it would be a miscarriage of justice to allow the verdict to stand." *People v Cameron*, 291 Mich App 599, 616-617; 806 NW2d 371 (2011) (quotation marks and citation omitted). Generally, absent exceptional circumstances, witness credibility is an issue for the factfinder. *People v Unger*, 278 Mich App 210, 232; 749 NW2d 272 (2008). See also *People v Lemmon*, 456 Mich 625, 646-647; 576 NW2d 129 (1998).

At trial, the court recognized the essential issue was MJ's credibility and whether her testimony established that defendant was guilty beyond a reasonable doubt. The court found MJ made an honest effort to be truthful in her testimony and, despite minor inconsistencies, it was sufficient to prove defendant was guilty beyond a reasonable doubt of two counts of CSC-II. At the same time, the court found that MJ's testimony, alone, was insufficient to prove beyond a reasonable doubt that defendant was guilty of CSC-I. As for Martin, the court found she was "less than credible" and "only believed half of what she said while testifying."

In a bench trial, the court must enter the appropriate judgment after finding the facts specially and separately stating its conclusions of law. MCR 6.403. The trial court must articulate

its factual findings, but specific explanations of each element of a crime are not required and remand is not appropriate when there is clear evidence that the trial court was aware of the issues and correctly applied the law. *People v Johnson (On Rehearing)*, 208 Mich App 137, 141-142; 526 NW2d 617 (1994); *People v Armstrong*, 175 Mich App 181, 184; 437 NW2d 343 (1989). In *Armstrong*, we upheld the defendant's conviction because it was clear the trial judge believed defendant was an active participant and aided the commission of the armed robbery, despite the court not specifically finding that defendant actually took the victim's wallet. *Armstrong*, 175 Mich App at 185-186. It was obvious from the record that the court was aware of the issues and properly applied the law to resolve the issues. *Id*.

Here, the trial court's findings are not inconsistent with its application of the law. The presence of conflicting testimony does not automatically establish that the evidence preponderates so heavily against the verdict that it would be a miscarriage of justice to allow it to stand. *Unger*, 278 Mich App at 232. While inconsistencies were present between the testimony of MJ and Glenn, and that of Martin, portions of Martin's testimony also substantiated MJ's and Glenn's statements, with all three witnesses testifying to the close relationship between MJ and Martin and that both Martin and Glenn were aware of MJ's behavioral changes between the ages of nine and eleven.

While defendant argues Martin's statements contradict MJ's testimony that she was alone in the house with defendant and thus preponderates so heavily against the verdict, *Cameron*, 291 Mich App at 616-617, Martin's statements do not establish that there was never any contact between MJ and defendant. Martin testified that she resumed driving in 2020 and that MJ was around five years old in 2014. Considering these statements and MJ's testimony that these incidents stopped when she was approximately eleven years old, 2020 falls within this timeframe. Moreover, Martin testified that defendant, depending on the length of his shift, would get off work at either 4:00 PM or 6:00 PM, which does not eliminate the possibility of defendant and MJ interacting since Martin stated MJ would visit her house during the daytime.

Most importantly, the trial court was aware of the discrepancies between Martin's testimony and MJ's and Glenn's testimonies, and it made credibility decisions to resolve these discrepancies. *Johnson*, 208 Mich App at 141-142. And, although the court did not, and was not required to, specifically articulate the reason why Martin was found to be less than credible, *Armstrong*, 175 Mich App at 185-186, there is clear evidence in the record that the court found that MJ was not coached and made an honest effort to tell the truth. Thus, in making this credibility finding, the court found that MJ's testimony was sufficient to conclude that defendant was guilty beyond a reasonable doubt of two counts of CSC-II, and the statements from Martin's testimony that contradict this conclusion were found to be not credible by the court.

Issues of witness credibility are for the factfinder, and the trial court, acting as the factfinder, reasonably supported its findings from the evidence in MJ's testimony to convict defendant. *Unger*, 278 Mich App at 232. Therefore, defendant's convictions were not against the great weight of the evidence.

Affirmed.

/s/ Christopher M. Murray
/s/ Mark T. Boonstra
/s/ Michael J. Riordan