

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GERALD ADRIAN MORRISON,

Defendant-Appellant.

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UNPUBLISHED

May 19, 2005

No. 254102

Oakland Circuit Court

LC No. 2002-187541-FH

Before: Saad, P.J., and Zahra and Schuette, JJ.

PER CURIAM.

A jury convicted defendant of one count of third-degree criminal sexual conduct (CSC-III),<sup>1</sup> and the trial court sentenced defendant to a prison term of eighteen months to fifteen years. Defendant appeals his conviction<sup>2</sup> and sentence, and we affirm.

I

Defendant came to know the victim when the victim was ten years old, and defendant volunteered with the Big Brother/Big Sister organization, and became the victim's "Big Brother." According to the victim, in the beginning the relationship was good, and involved dinners together, visits to Cedar Point, and Pistons and Lions games. However, the victim testified that on the victim's twelfth birthday, the relationship between defendant and the victim became sexual when the victim accompanied defendant to defendant's apartment. The two watched a movie together, and then the victim went to sleep in defendant's guest room. As the victim was lying in bed, defendant came in and asked the victim whether he knew how to masturbate, to which the victim replied that he did not. Defendant asked the victim whether he

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<sup>1</sup> MCL 750.520d(1)(a) (sexual penetration involving a victim aged thirteen to sixteen years).

<sup>2</sup> The prosecution also charged defendant with two other counts of CSC-III. One count resulted in a mistrial because the jury could not reach a verdict, and the other count was dismissed because the trial court granted defendant's motion for directed verdict with respect to that count. Defendant later pleaded nolo contendere to the count that resulted in a mistrial. Only one of the three total counts—the count that resulted in a conviction pursuant to the jury's guilty verdict—is before us in this appeal.

wanted to learn, and the victim said yes. Defendant then pulled down defendant's pants and masturbated. The victim testified that on subsequent visits, defendant showed the victim pornographic videos (featuring both hetero- and homosexual acts), and that defendant often talked about homosexual sex.

On December 28, 2001,<sup>3</sup> defendant gave the victim a "Game Boy Advance" video game, and took the victim to defendant's home. Defendant put on a pornographic video, and asked whether the victim wanted to "jack off," to which the victim replied that he did not. Defendant touched the victim's thigh, and repeated his request, then grabbed the victim's hand and placed it on defendant's penis. Defendant then "jacked" the victim "off," and the two took a shower together. Defendant then performed fellatio on the victim.

On January 7, 2002, defendant again took the victim to his home, and asked whether defendant could perform fellatio on the victim. The victim said no, and nothing further happened. On January 9, 2002, defendant again took the victim to defendant's home, and defendant wanted to watch a pornographic movie and again asked to perform fellatio on the victim. Instead the two masturbated, and then took a shower together, after which defendant offered the victim \$80.00 if the victim would allow defendant to perform fellatio on him, and the victim agreed. The victim said that he accepted the money because he wanted to take his girlfriend out to the movies.

On March 9, 2002, the victim went out to eat with defendant, then went to defendant's home with him. The two watched a pornographic video together, and defendant repeatedly asked the victim to allow defendant to perform fellatio, and the victim refused. Defendant then offered the victim \$30 to "jack off," and the victim agreed. The victim offered conflicting testimony as to whether any fellatio occurred that night, at times saying that it did not, that he could not remember, and that fellatio did occur.

The victim did not report the previous incidents to anyone, including his family or the Big Brother/Big Sister organization, out of fear and confusion. He also testified that he liked receiving the money, but feared being teased and called "gay." He finally told his mother what had happened after the March 9, 2002, incident, following an argument with his mother.

## II

Defendant contends that his conviction is not supported by sufficient evidence. We review a challenge to the sufficiency of the evidence supporting a conviction in the light most favorable to the prosecution to determine whether the prosecution presented sufficient evidence to allow a rational trier of fact to find defendant guilty of the charged crime beyond a reasonable doubt. *People v Guthrie*, 262 Mich App 416, 418; 686 NW2d 767 (2004). Defendant's argument is, essentially, that the victim's testimony is not credible, nor is that of another witness. However, "[i]t is for the trier of fact, not the appellate court, to determine what inferences may be fairly drawn from the evidence and to determine the weight to be accorded those inferences."

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<sup>3</sup> The victim was thirteen years old at the time.

*Id.* at 419. Accordingly, we hold that the prosecution presented sufficient evidence to support defendant's conviction.<sup>4</sup>

Affirmed.

/s/ Henry William Saad

/s/ Brian K. Zahra

/s/ Bill Schuette

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<sup>4</sup> Defendant raises other issues relating to whether certain evidence was properly admitted. However, defendant addressed these issues in a cursory manner. “An appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give only cursory treatment [of an issue] with little or no citation of supporting authority.” *People v Matuszak*, 263 Mich App 42, 59; 687 NW2d 342 (2004), quoting *People v Watson*, 245 Mich App 572, 587; 629 NW2d 411 (2001), citing *People v Kelly*, 231 Mich App 627, 640-641; 588 NW2d 480 (1998). Such cursory treatment constitutes abandonment of the issue. *Watson*, *supra* at 587. Accordingly, we decline to address these issues.