



## Genesee County Prosecutor's Office David Leyton, Prosecutor



### **Jury Convicts Man in Attempted Rape and Home Invasion Case**

**May 9, 2008**

**FLINT --** A Circuit Court jury convicted a Flint man today of Criminal Sexual Conduct in the 2nd degree during the course of a felony and Home Invasion in the 1st Degree said Prosecutor David Leyton.

During the trial, it was revealed that Brian James Miller, 27, broke into the house of his sister's best friend while wearing a mask and tried to rape her. The victim testified that Miller grabbed at the her breasts and tried to spread her legs apart during the attack. The victim recognized Miller's voice and told him that she knew who he was and if he stopped the attack she wouldn't tell anyone. At that point, Miller stopped the attack and asked for a glass of water. Afterward, Miller told the victim that if she reported the incident to anyone that he would come back.

During the investigation of the case by police, Miller was read his Miranda rights and he told them that he had not been to the victim's house in 2-3 years and he specifically was not there on the date of the attack. However, evidence seized at the victim's residence included Miller's fingerprints on the glass that the victim said she gave him when he asked her for a glass of water.

Miller faces up to 20 years imprisonment on the Home Invasion conviction and a concurrent sentence of up to 15 years on the CSC 2nd charge. A sentencing date is scheduled for June 12, 2008 in the courtroom of Circuit Court Judge Archie Hayman.