

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GEORGE WEBB,

Defendant-Appellant.

UNPUBLISHED

June 27, 1997

No. 130007

Recorder's Court

LC No. 89-010340

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple*, JJ.

MEMORANDUM.

Defendant appeals by right his bench trial conviction for involuntary manslaughter and felony firearm, after acquittal on the original charge of second degree murder. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant claims only that the trial court erred in finding him guilty of involuntary manslaughter because the trial court's findings of fact are inconsistent with its legal conclusions. Defendant's statement of the issue seems to mischaracterize the argument, which concerns the sufficiency of the evidence more than inconsistency between the trial court's factual findings and legal conclusions. The trial court's factual findings are consistent, as a matter of law, with the legal conclusion, the trial court having concluded that defendant intentionally pointed a firearm at the victim and that discharge of the weapon resulted in the victim's death. MCL 750.329; MSA 28.561; *People v Khoury*, 181 Mich App 320; 448 NW2d 836 (1989). As to sufficiency of the evidence, although defendant in his *Mirandized* post-arrest statement to police denied having intentionally pointed the weapon at the deceased, the trial court was not bound to accept that testimony, even having found the confession otherwise credible. *People v Jackson*, 390 Mich 621, 625 n 2; 212 NW2d 918 (1973). The trier of fact could reasonably infer from the evidence that, by virtue of the fact that the bullet struck the victim, the gun was aimed at her, and from defendant's statement could further conclude that, because defendant had intentionally armed himself, such pointing of the weapon was also intentional. *People v Petrella*, 424 Mich 221, 269-270; 380 NW2d 11 (1985).

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Martin M. Doctoroff
/s/ Donald A. Teeple