

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DARRELL WILLIAMS,

Defendant-Appellant.

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UNPUBLISHED

August 15, 1997

No. 190435

Washtenaw Circuit Court

LC No. 94-002709-FH

Before: Sawyer, P.J., and Saad and Gage, JJ.

PER CURIAM.

Defendant was convicted, following a jury trial, of assault with intent to commit criminal sexual conduct involving penetration. MCL 750.520g; MSA 28.788(7). He was sentenced as a habitual offender (fourth offense) to six to twenty years in prison. He now appeals and we affirm.

We first consider defendant's argument in his brief in propria persona that trial counsel was ineffective for failing to move for the impeachment of a prosecution witness. There is, of course, no such motion to be made. Rather, impeachment involves bringing to light inconsistencies in the witness' testimony or some other basis to persuade the jury not to believe the witness. Defense counsel did so at trial.

Next, defendant argues that the trial court erred in admitting as an excited utterance a statement made by the victim two hours after the incident and after she talked to two other people. While this is admittedly a close question, we are not persuaded that, even if it was error, the error requires reversal. The testimony was merely a reiteration of the testimony given by the victim and was, therefore, merely cumulative. We are not persuaded that, had the trial court excluded the objected-to statement that the jury would have reached a different result. *People v Roberson*, 90 Mich App 196, 203; 282 NW2d 280 (1979).

Defendant next argues that the trial court erred by failing to suppress statements made by defendant during an interrogation that took place after counsel had been appointed. This issue, however, has not been properly preserved for appeal because defendant did not move before trial to suppress the statement nor did he object to the detective's testimony during trial. The record before us

does not indicate any likelihood of a miscarriage of justice if we decline to review this issue. Accordingly, we decline to address this issue.

Defendant's next argument is that there was insufficient evidence to convict defendant of assault with intent to commit CSC. Defendant argues that the only evidence of the crime was the victim's testimony, which was not credible. It is, of course, the jury's role, not our role, to judge the credibility of the witness. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992). Viewing the evidence in the light most favorable to the prosecution, there was sufficient evidence to convict defendant of the crime. *Id.*

Finally, defendant argues that the trial court erred in ordering that defendant pay \$600 towards his court-appointed representation. It is clear that a defendant may be required to reimburse the county for part or all of the expenses of his representation. *People v Nowicki*, 213 Mich App 383; 539 NW2d 590 (1995). While it might be better to enter a separate order for the reimbursement requirements, we see no need to reverse or remand this matter merely because the trial court included the provision in the judgment of sentence.

Defendant also argues that the amount of the reimbursement is excessive. However, he provides no facts or argument in support of that claim. Therefore, we are not persuaded that the trial court erred.

Affirmed.

/s/ David H. Sawyer  
/s/ Henry William Saad  
/s/ Hilda R. Gage