

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GINO FRANCIESCO ACCETTOLA,

Defendant-Appellant.

UNPUBLISHED

September 19, 1997

No. 194740

Macomb Circuit Court

LC No. 95-001666-FH

Before: Markman, P.J., and McDonald and Fitzgerald, JJ.

PER CURIAM.

Defendant appeals as of right his bench trial conviction of false pretenses over \$100, MCL 750.218; MSA 28.415. Defendant pleaded guilty to being an habitual offender, third offense, MCL 769.11, MSA 28.1083, and was sentenced to two and one-half to twenty years' imprisonment. Defendant appeals as of right. We affirm.

Defendant's contention that the verdict is against the great weight of the evidence is without merit. Defendant's argument is premised on the assumption that the complainant's testimony was unbelievable. However, credibility of a witness is a matter for the trier of fact to ascertain. *People v Vaughn*, 186 Mich App 376, 380; 465 NW2d 365 (1990). This Court will not resolve it anew. *Id.* Here, the trial court acknowledged that the complainant may not have been the most truthful witness. However, the trial court found the complainant's testimony regarding the "major happenings" to be uncontradicted, substantial, and supported by the physical evidence. We find no error in this finding and conclude that the verdict was not against the great weight of the evidence. *People v Herbert*, 444 Mich 466, 475; 511 NW2d 654 (1993).

Affirmed.

/s/ Stephen J. Markman

/s/ Gary R. McDonald

/s/ E. Thomas Fitzgerald