

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRANDON K. CARTER,

Defendant-Appellant.

UNPUBLISHED

February 2, 1999

No. 206957

Recorder's Court

LC No. 97-001979

Before: Kelly, P.J., and Hood and Markey, JJ.

MEMORANDUM

Defendant was convicted in a bench trial of resisting and obstructing a police officer, MCL 750.479; MSA 28.747. He was sentenced to one year probation, and appeals as of right, claiming that there was insufficient evidence for conviction. We affirm.

In reviewing a claim of insufficient evidence, the evidence presented below must be viewed in the light most favorable to the prosecution; the test is whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748, amended on other grounds 441 Mich 1201 (1992); *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995). Defendant's claim is that because there was a credibility dispute between the arresting officers and his witnesses and himself, there was insufficient evidence. We disagree. Questions of credibility are exclusively for the trier of fact. *People v Vaughn*, 186 Mich App 376, 380; 465 NW2d 365 (1990). Here, the trial judge saw and heard the witnesses and was in the best position to determine the credibility and weight of the conflicting testimony.

The record shows that defendant was initially observed driving erratically and speeding. Officers in a semi-marked vehicle activated their lights and siren and attempted to stop him, but defendant drove away, speeding through a residential neighborhood. When defendant finally pulled over, he jumped out of his vehicle and proceeded to walk away. Officer LaGrone -- who had a police badge conspicuously hanging around her neck on a chain -- identified herself and directed him to stop. Despite her repeated requests to stop, defendant continued to walk away. Officer LaGrone grabbed

defendant by the arm and turned him to face the police vehicle. Defendant struggled with officer LaGrone causing her partner, officer Jones, to have to come to her aid in order to restrain him. It took both officers to subdue and handcuff defendant. He was arrested for failure to have a driver's license and was issued a careless driving citation. At trial, defendant admitted that he assumed that the burgundy semi-marked vehicle was a police car, and that he "questioned" the officer's "authority" to detain him.

Viewing this evidence in the light most favorable to the prosecution, there was sufficient evidence to prove beyond a reasonable doubt that defendant knowingly and wilfully obstructed, resisted, or opposed officer LaGrone in the performance of her lawful duty to effectuate and investigate a traffic stop. See *People v Pohl*, 207 Mich App 332, 333; 523 NW2d 634 (1994). We will not substitute our judgment for the trial judge's on matters of credibility.

Affirmed.

/s/ Michael J. Kelly

/s/ Harold Hood

/s/ Jane E. Markey