

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARTIN LEWIS,

Defendant-Appellant.

UNPUBLISHED

March 16, 1999

No. 203628

Recorder's Court

LC No. 96-006631

Before: Murphy, P.J., and MacKenzie and Talbot, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction of second-degree murder, MCL 750.317; MSA 28.549, for which he was sentenced to fifteen to thirty years' imprisonment. We affirm.

On appeal, defendant challenges the sufficiency of the evidence to sustain his conviction, arguing that the evidence is at most only sufficient to sustain a verdict of manslaughter because the prosecution failed to negate the claim of self-defense or adequate provocation raised in defendant's statement to the police. We disagree. The trial judge, sitting as trier of fact, was not obliged to accept defendant's uncorroborated and self-serving claim of self-defense/adequate provocation. *People v Jackson*, 390 Mich 621, 625 n 2; 212 NW2d 918 (1973). Cf. *People v Fortson*, 202 Mich App 13, 20; 507 NW2d 763 (1993). Viewing the evidence in a light most favorable to the prosecution, a rational trier of fact could find that the essential elements of second-degree murder were proven beyond a reasonable doubt. *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994).

Affirmed.

/s/ William B. Murphy

/s/ Barbara B. MacKenzie

/s/ Michael J. Talbot