

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MONKEITH MAYER,

Defendant-Appellant.

UNPUBLISHED
September 3, 1999

No. 207456
Recorder's Court
LC No. 97-001689

Before: Markman P.J., and Saad and P. D. Houk*, JJ.

MEMORANDUM.

Defendant appeals by right his bench trial convictions of assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), for which he was sentenced to five to ten years' imprisonment as an habitual offender, plus the mandatory two-year consecutive term for felony-firearm. We affirm.

On appeal, defendant argues that the verdict is against the great weight of the evidence and that he should have been acquitted. This argument is unpreserved for appellate review because defendant did not move for a new trial below. *People v Buckner*, 144 Mich App 691, 696; 375 NW2d 794 (1985). Moreover, defendant has failed to identify the kind of extraordinary evidentiary defects or defaults that would permit the verdict to be overturned as against the great weight of the evidence. See *People v Lemmon*, 456 Mich 625, 642-647; 576 NW2d 129 (1998). To the extent that defendant's argument may be viewed as a challenge to the sufficiency of the evidence to sustain his conviction, we conclude that the evidence, when viewed in a light most favorable to the prosecution, provides a sufficient basis for a rational trier of fact to find that the essential elements of the offenses were proven beyond a reasonable doubt. *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994).

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

Affirmed.

/s/ Stephen J. Markman

/s/ Henry William Saad

/s/ Peter D. Houk