

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GARY T. FISCHER,

Defendant-Appellant.

UNPUBLISHED
September 7, 1999

No. 205408
Recorder's Court
LC No. 97-500000

Before: Hoekstra, P.J., and O'Connell and R.J. Danhof,* JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of ethnic intimidation, MCL 750.147b; MSA 28.344(2), and aggravated assault, MCL 750.81a(1); MSA 28.276(1), and sentenced to two years' probation. He now appeals as of right. We affirm.

On appeal, defendant challenges his conviction for ethnic intimidation, claiming that insufficient evidence was presented to establish the requisite "specific intent to intimidate or harass" the victim because of his race. MCL 750.147b(1); MSA 28.344(2)(1). We disagree.

The testimony describing defendant's words and acts, viewed most favorably to the prosecution, was sufficient to enable a rational trier of fact to find beyond a reasonable doubt that defendant possessed the specific intent to intimidate or harass the victim because of his race. *People v Wolfe*, 440 Mich 508, 515-516; 489 NW2d 748 (1992); *People v Stevens*, 230 Mich App 502, 504; 584 NW2d 369 (1998).

Affirmed.

/s/ Joel P. Hoekstra
/s/ Peter D. O'Connell
/s/ Robert J. Danhof

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