

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TERRENCE E. RAWLS,

Defendant-Appellant.

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UNPUBLISHED

February 11, 2000

No. 206964

Recorder's Court

LC No. 96-004552

Before: O'Connell, P.J., and Meter and T. J. Hicks\*, JJ.

PER CURIAM.

Defendant appeals by right from his conviction, following a bench trial, of failure to stop at the scene of a serious personal injury accident, MCL 257.617; MSA 9.2317. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The evidence showed that defendant's vehicle struck and killed a nine-year-old child who had darted into the street. Defendant stopped at the scene momentarily, but then drove away at a high rate of speed. Witnesses stated that while bystanders told defendant to stay at the scene, he was not threatened verbally or physically. Defendant testified that after the accident occurred he was threatened by at least one bystander and that he left the scene because he feared for his life. He indicated that he telephoned for assistance while leaving the scene.

The trial court acquitted defendant of negligent homicide but found him guilty of failure to stop at the scene of a serious personal injury accident. The court found that defendant's testimony that he left the scene because he feared for his life was not credible, and it concluded that defendant left to avoid detection.

When reviewing a challenge to the sufficiency of the evidence in a bench trial, we view the evidence presented in the light most favorable to the prosecution and determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. The trier of fact may make reasonable inferences from evidence in the record, but it may not

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

make inferences completely unsupported by any direct or circumstantial evidence. *People v Petrella*, 424 Mich 221, 268-270, 275; 380 NW2d 11 (1985); *People v Vaughn*, 186

Mich App 376, 379-380; 465 NW2d 365 (1990). Moreover, the court in a bench trial must make findings of fact and state separately its conclusions of law. MCR 6.403. We review the trial court's findings of fact for clear error. MCR 2.613(C); MCR 6.001(D); *People v Lester*, 232 Mich App 262, 271; 591 NW 2d 267 (1999).

Defendant argues that the evidence was insufficient to support his conviction of failure to stop at the scene of a serious personal injury accident. We disagree. A person who knows or has reason to know that he has been involved in an accident resulting in death or serious personal injury must stop and remain at the scene of the accident until he has taken reasonable steps to secure medical aid or transportation for injured persons and until he has given his name, address, and the registration number of his vehicle to the struck person or to the driver or occupant of any vehicle struck. MCL 257.617(1); MSA 9.2317(1); MCL 257.619; MSA 9.2319.

Here, the evidence showed that after the accident occurred, defendant stopped at the scene only momentarily and did not identify himself to anyone, contrary to MCL 257.617; MSA 9.2317 and MCL 257.619; MSA 9.2319. Defendant's testimony that he was threatened at the scene was directly contradicted by the testimony of eyewitnesses, who stated that while defendant was told to remain at the scene, he was not threatened verbally or physically. The court, as trier of fact, was entitled to weigh the testimony and conclude that defendant's assertion that he was threatened was not worthy of belief. *People v Marji*, 180 Mich App 525, 542; 447 NW2d 835 (1989), remanded on other grounds 439 Mich 896 (1991). Thus, the trial court's finding that defendant was not threatened and that he left the scene of the accident to avoid detection was not clearly erroneous. MCR 2.613(C); MCR 6.001(D). Viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction. *Petrella*, *supra* at 268-270.

Affirmed.

/s/ Peter D. O'Connell

/s/ Patrick M. Meter

/s/ Timothy G. Hicks