

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLEY WILLIAMS,

Defendant-Appellant.

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UNPUBLISHED  
October 24, 2000

No. 220403  
Kent Circuit Court  
LC No. 98-11655-FH

Before: Fitzgerald, J. and Hood and McDonald, JJ.

**MEMORANDUM**

Defendant was convicted, following a jury trial, of domestic assault, MCL 750.81(4); MSA 28.276(4), and resisting and obstructing a police officer, MCL 750.459; MSA 28.747 . He was sentenced as a third habitual offender, MCL 769.11; MSA 28.1083, to incarceration for 18 months to 4 years, concurrent, for each offense, and appeals as of right. We affirm.

Defendant's sole issue on appeal is that the trial court erred by denying his motion for a directed verdict. When reviewing a trial court's decision regarding a motion for a directed verdict, this Court views the evidence presented up to the time the motion was made in the light most favorable to the prosecution and asks whether a rational trier of fact could conclude that the essential elements of the crime had been proven beyond a reasonable doubt. *People v Vincent*, 455 Mich 110, 121; 565 NW2d 629 (1997).

The officers, responding to the victim's cries for help, found defendant pinning her against the wall. The victim had also indicated that her hand was hurt, and the officers had observed blood around her lips and nose when they first arrived on the scene. She later said that defendant did not hit her. Matters of credibility and weight of evidence, however, are within the sole province of the jury. *People v Mehall*, 454 Mich 1,6; 557 NW2d 110 (1997). Viewed in the light most favorable to the prosecution, there was sufficient evidence to allow the jury to conclude that

defendant committed an assault or battery against the victim, the mother of his two children, and thus committed the crime of domestic assault. We therefore find that the trial court did not err in denying defendant's directed verdict motion.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Harold Hood

/s/ Gary R. McDonald