

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARK N. BRADFORD,

Defendant-Appellant.

UNPUBLISHED

December 26, 2000

No. 217116

Wayne Circuit Court

LC No. 98-004947

Before: Cavanagh, P.J., and Talbot and Meter

MEMORANDUM.

Following a bench trial, defendant was convicted of two counts of first-degree criminal sexual conduct, MCL 750.520b(1)(e); MSA 28.788(2)(1)(e), and one count of assault with intent to do great bodily harm, MCL 750.84; MSA 28.279. Defendant was sentenced as a third habitual offender, MCL 769.11; MSA 28.1083, to an enhanced term of fifteen to twenty-five years' imprisonment. Defendant appeals as of right. We affirm.

Defendant argues that there was insufficient evidence to support his convictions. We disagree. Defendant's argument is premised entirely on his contention that the victim's testimony was inconsistent and incredible. It is well established that issues concerning witness credibility are appropriately left to the trier of fact and will not be resolved anew by this Court. *People v Avant*, 235 Mich App 499, 506; 597 NW2d 864 (1999); *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988). A review of the record in the light most favorable to the prosecution reveals that there was sufficient evidence from which a rational trier of fact could conclude that the elements of the offenses were proven beyond a reasonable doubt. *People v Ortiz-Kehoe*, 237 Mich App 508, 520; 603 NW2d 802 (1999).

Defendant also argues that the prosecutor committed misconduct by knowingly presenting false testimony from the victim. Because defendant did not object to the allegedly improper conduct, our review is limited to determining whether defendant has demonstrated a plain error that affected his substantial rights. *People v Schutte*, 240 Mich App 713, 720; 613 NW2d 370 (2000), citing *People v Carines*, 460 Mich 750, 761-762; 597 NW2d 130 (2000). While reversal may be required if a prosecutor knowingly presents false testimony, *People v Canter*, 197 Mich App 550, 558; 496 NW2d 336 (1992), defendant has not demonstrated that the victim committed perjury or that the prosecutor knowingly presented false testimony in this case. Merely pointing to inconsistencies between the victim's preliminary examination and trial

testimony as evidence of perjury is not sufficient to establish the claim on this record. See *People v Arntson*, 10 Mich App 718, 723-724; 160 NW2d 386 (1968). Accordingly, defendant is not entitled to relief based on this issue.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Michael J. Talbot

/s/ Patrick M. Meter