

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MILLIE L. MANIER,

Defendant-Appellant.

UNPUBLISHED

December 26, 2000

No. 217946

Wayne Circuit Court

Criminal Division

LC No. 98-007010

Before: Griffin, P.J., and Holbrook, Jr., and Murphy, JJ.

PER CURIAM.

Defendant was convicted of malicious destruction of personal property over \$100, MCL 750.377a; MSA 28.609, and malicious destruction of property over \$100, MCL 750.380; MSA 28.612. She was sentenced to eighteen months' probation. She appeals as of right. We affirm.

The evidence established that defendant drove a truck into complainant's home and car after complainant, a motel manager, refused to refund her the \$35 she paid to stay at the motel. On appeal, defendant challenges the sufficiency of the evidence and also argues that the trial court abused its discretion when it denied her motion for new trial.

Defendant first claims that the evidence was insufficient to establish beyond a reasonable doubt that the damage to complainant's building exceeded \$100. We disagree.

When reviewing a sufficiency of the evidence issue, we determine whether, viewing the evidence in a light most favorable to the prosecution, a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999). In an effort to prove that the defendant committed the crime of malicious destruction of property over \$100, a plaintiff may establish the cost of the damage incurred by introducing evidence of the reasonable cost to repair or restore the property. *People v LaBelle*, 231 Mich App 37, 38; 585 NW2d 756 (1998).

Here, the complainant testified that the cost to repair the damage was \$150. The trial court believed the complainant's testimony, and we will not review questions of credibility anew on appeal. *People v Gadomski*, 232 Mich App 24, 28; 592 NW2d 75 (1998). A written estimate of damage or other documentary evidence is unnecessary where the trial court believes the complainant's testimony as to damage valuation. We conclude that when viewed in a light most

favorable to the prosecution, the evidence could lead a rational trier of fact to find beyond a reasonable doubt that plaintiff established the necessary elements of the offense.

Defendant next claims that the trial court abused its discretion when it denied her motion for a new trial. We disagree. We review a trial court's decision to grant or deny a new trial for an abuse of discretion. *People v Jones*, 236 Mich App 396, 404; 600 NW2d 652 (1999).

Defendant claims that plaintiff introduced inconsistent testimony at trial, and that the trial court accordingly erred in denying her motion. However, we will not attempt to resolve credibility issues anew when reviewing a trial court's decision regarding a motion for a new trial. *People v Daoust*, 228 Mich App 1, 17; 577 NW2d 179 (1998). We conclude that the trial court acted within the scope of its discretion when it decided which testimony to believe. Accordingly, we hold that the trial court did not abuse its discretion by weighing conflicting testimony and finding that the facts of the case favored plaintiff.

Affirmed.

/s/ Richard Allen Griffin
/s/ Donald E. Holbrook, Jr.
/s/ William B. Murphy