STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED July 31, 2001
v	No. 222696 Wayne Circuit Court
SHUN CHRISTOPHER WRIGHT, Defendant-Appellant.	LC No. 98-010275

Before: Doctoroff, P.J., and Murphy and Zahra, JJ.

PER CURIAM.

Defendant was charged with six counts of assault with intent to murder, MCL 750.83, and one count of possession of a firearm during the commission of a felony, MCL 750.227b. After a bench trial, defendant was found guilty of three counts of assault with intent to do great bodily harm less than murder, MCL 750.84. Defendant was sentenced as a fourth habitual offender to an enhanced sentence of five to twenty years' imprisonment. Defendant now appeals as of right. We affirm.

Defendant first argues that there was insufficient evidence to support his convictions for three counts of assault with intent to do great bodily harm. We disagree. In reviewing the sufficiency of the evidence, we view the evidence in a light most favorable to the prosecutor and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Reid*, 233 Mich App 457, 466; 592 NW2d 767 (1999).

Defendant argues that there is insufficient evidence to support his convictions because the testimony of one eyewitness was incredible and untrustworthy. Defendant points to several inconsistencies between the witness' testimony at the preliminary examination and her testimony at trial. However, defendant's argument fails because credibility is a matter for the trier of fact to decide. *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988). "[T]his Court will rarely overturn a conviction when the only issue is the credibility of a witness." *People v Crump*, 216 Mich App 210, 215; 549 NW2d 36 (1996). This is particularly true where, as here, defendant's trial attorney pointed out the discrepancies to the trier of fact. *People v Avant*, 235 Mich App 499, 506; 597 NW2d 864 (1999). We will not interfere with the trial court's assessment of the credibility of witnesses in the instant trial.

That said, assault with intent to do great bodily harm requires proof of (1) an attempt or threat with force or violence to do corporal harm to another (an assault), and (2) an intent to do great bodily harm less than murder. *People v Parcha*, 227 Mich App 236, 239; 575 NW2d 316 (1997). It is a specific intent crime. *Id.* The evidence demonstrated that when the primary victim was shot at and wounded, as his son and nephew stood at his side, defendant and another individual were standing across the street where the shots originated. Defendant and this other individual were observed riding in a vehicle that entered the neighborhood a few minutes before the shooting, and after the shooting the two were seen speeding away in the same vehicle. Furthermore, an eyewitness testified that during the shooting she observed defendant, standing in front of the other individual, with his arm extended. Though this same witness testified that she did not actually see defendant with a gun and could not be certain he was the shooter, as alternately theorized by the prosecution it was equally reasonable to believe that defendant was pointing out the primary victim to his companion. The evidence showed that defendant and the victim had a disagreement a few days before the shooting. Viewed in the light most favorable to the prosecution, we conclude that this strong circumstantial evidence and the reasonable inferences arising from it sufficiently proved the elements of the crime. See *Avant, supra* at 505.

Next, defendant argues that the trial court rendered an inconsistent verdict when it returned convictions on three of the six assault charges, but at the same time acquitted defendant on the felony-firearm count. This is a question of law, which we review de novo. See *People v Artman*, 218 Mich App 236, 239; 553 NW2d 673 (1996).

We agree with defendant that a trial judge in a bench trial cannot render a verdict that is inconsistent or the product of compromise. *People v Burgess*, 419 Mich 305, 310; 353 NW2d 444 (1984); *People v Vaughn*, 409 Mich 463, 466; 295 NW2d 354 (1980). As our Supreme Court has explained, "[w]hile juries are not held to rules of logic, or required to explain their decisions, a judge sitting without a jury is not afforded the same lenience." *People v Walker*, 461 Mich 908; 603 NW2d 784 (1999). However, we conclude that the trial court's seemingly inconsistent verdict can be reconciled because the record amply illustrates that the court found defendant guilty of the assaults under the proposed aiding and abetting theory. Accordingly, its finding that the evidence was insufficient to prove defendant's possession of a firearm during the shooting does not imply a compromise verdict.

Affirmed.

/s/ Martin M. Doctoroff
/s/ William B. Murphy
/s/ Brian K. Zahra