

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JESSIE PICKETT,

Defendant-Appellant.

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UNPUBLISHED

December 18, 2001

No. 228700

Wayne Circuit Court

LC No. 99-009805

Before: White, P.J., and Talbot and E.R. Post\*, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of obstruction of justice, MCL 750.505, and sentenced to 1½ to 5 years' imprisonment. He appeals as of right. We affirm.

This case arises out of an incident in which an occupant in a passing automobile threatened the complainant, a police officer who was scheduled to testify in court proceedings against defendant, shortly after the case was adjourned. Defendant contends that he is entitled to a new trial because the verdict was against the great weight of the evidence. He argues that while the officer claimed that he recognized defendant as the person who threatened him, there was reliable conflicting testimony that defendant did not ride in the car the officer described and that defendant was still at the courthouse at the time the threat was made.

Because defendant never moved for a new trial, his argument that the verdict was against the great weight of the evidence is not preserved for appellate review. *People v Winters*, 225 Mich App 718, 729; 571 NW2d 764 (1997).<sup>1</sup> However, defendant's brief also refers to the sufficiency of the evidence and the test used to determine whether there is sufficient evidence to support a conviction. Criminal defendants do not need to take any special steps to preserve such a challenge. *People v Cain*, 238 Mich App 95, 116-117; 605 NW2d 28 (1999). We therefore review his argument as a claim that there was insufficient evidence to establish that defendant was the person who threatened the officer. See *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988)

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

<sup>1</sup> In any event, we conclude the verdict was not against the great weight of the evidence.

When reviewing a challenge to the sufficiency of the evidence in a bench trial, this Court views the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 268-269; 380 NW2d 11 (1985); *People v Nunez*, 242 Mich App 610, 615; 619 NW2d 550 (2000). Here, the officer identified defendant as the passenger who threatened him. He had seen defendant in district court shortly before, and he had the opportunity to see defendant's features when defendant made eye contact with him. The threat was made in clear weather, in mid-afternoon, and the car passed the officer's house slowly, allowing him to get a good, albeit fleeting, view of defendant. While defendant presented conflicting testimony, the credibility of the identification testimony was a matter for the trial court, as the trier of fact, to decide. *Daniels, supra* at 378. We will not resolve it anew. *Id.* Under these circumstances, there was sufficient evidence to sustain defendant's conviction.

Affirmed.

/s/ Helene N. White  
/s/ Michael J. Talbot  
/s/ Edward R. Post