

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JODY A. FULLERTON,

Defendant-Appellant.

UNPUBLISHED
December 28, 2001

No. 225333
Bay Circuit Court
LC No. 98-001350-FH

Before: Meter, P.J., and Jansen and R. D. Gotham*, JJ.

MEMORANDUM.

Defendant appeals as of right from her conviction by a jury of two counts of resisting arrest, MCL 750.479. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

State troopers stopped defendant when they observed her driving erratically with an improperly displayed registration plate. Defendant began to struggle when she was placed under arrest. She struck one officer, and kicked them both, and continued assaulting the officers in the holding cell. An OUIL charge was dropped after PBT results were ruled inadmissible due to the officer's failure to follow the administratively required fifteen-minute waiting period.

On appeal defendant argues that there was insufficient evidence to establish the legality of her arrest, whether she was advised she was under arrest, and whether her resistance was intentional. In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992).

There was sufficient evidence to establish each of these elements. An arrest is legal if an officer has reasonable cause to believe that a crime was committed by the defendant. Reasonable cause means having enough information to lead an ordinarily careful person to believe that the defendant committed a crime. *People v Freeman*, 240 Mich App 235, 236; 612 NW2d 824 (2000). The officers' observations supplied reasonable cause to believe defendant was driving while under the influence of alcohol.

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

The officers' testimony supports the jury's finding that defendant was told she was under arrest prior to her resistance. Given defendant's course of conduct, the jury could reasonably conclude that her actions were intentional. Viewed in a light most favorable to the prosecution, there was sufficient evidence to support the conviction.

Affirmed.

/s/ Patrick M. Meter

/s/ Kathleen Jansen

/s/ Roy D. Gotham