

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JACKIE HARRIS,

Defendant-Appellant.

UNPUBLISHED

March 1, 2002

No. 229701

Wayne Circuit Court

LC No. 00-001288

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of unarmed robbery, MCL 750.530. The trial court sentenced him as a fourth felony offender, MCL 769.12, to seven to fifteen years' imprisonment. Defendant appeals as of right and we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant contends that the trial court clearly erred in finding that he was the individual who robbed the complainant. A trial court's findings of fact may not be set aside unless clearly erroneous. MCR 2.613(C); see *People v Wofford*, 196 Mich App 275, 280; 492 NW2d 747 (1992). Findings of fact are clearly erroneous if, after a review of the entire record, the appellate court is left with a definite and firm conviction that a mistake has been made. *People v Thenghkam*, 240 Mich App 29, 43; 610 NW2d 571 (2000). This standard is highly deferential to the trial court. *Id.* at 47. Regard must be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. MCR 2.613(C).

The robbery in this case took place outside a party store where the complainant worked. Both the complainant and the store's owner testified that defendant followed the complainant out of the store. Both witnesses had seen defendant at the store several times before and were familiar with his appearance. The complainant testified that defendant came beside him from behind, that there was no one else around, and that he saw that his assailant was defendant. In light of this testimony, the trial court did not clearly err in determining that defendant was the person who robbed the complainant.

Defendant suggests that the evidence was insufficient because the complainant's testimony was not corroborated with other evidence. This claim amounts to an assertion that the trial court erred in finding the complainant's testimony to be credible. The credibility of the

identification testimony was for the trial court, as the trier of fact, to decide. *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988). We decline to resolve it anew. *Id.*

Affirmed.

/s/ Richard A. Bandstra

/s/ William B. Murphy

/s/ Christopher M. Murray