

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARK STILWELL SANFORD,

Defendant-Appellant.

UNPUBLISHED

June 4, 2002

No. 229778

Kalamazoo Circuit Court

LC No. 99-001319-FH

Before: Fitzgerald, P.J., and Holbrook, Jr., and Doctoroff, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for felonious assault, MCL 750.82. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's conviction arose out of an altercation that occurred at his home. An argument deteriorated into a fight, and the victim was stabbed. Defendant claimed that he acted in self-defense. On appeal, he argues that the verdict was against the great weight of the evidence.

In order to preserve a claim that a verdict is against the great weight of the evidence, a defendant must make a timely motion for a new trial. MCR 2.611(A)(1)(e); *People v Winters*, 225 Mich App 718, 729; 571 NW2d 764 (1997). Where a defendant has failed to preserve this issue on appeal, this Court will decline to address it. *Id.*

Even if defendant had preserved the issue, the record does not support his claim. The other witnesses presented strong evidence of defendant's guilt. The jury performed its function of resolving disputed questions of fact when it rejected defendant's claim that he acted in self-defense. The evidence does not preponderate heavily against the verdict, and allowing the verdict to stand is not a miscarriage of justice. *People v Lemmon*, 456 Mich 625, 627; 576 NW2d 129 (1998).

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Donald E. Holbrook, Jr.

/s/ Martin M. Doctoroff