

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DEBORAH MOORE,

Defendant-Appellant.

UNPUBLISHED

July 23, 2002

No. 232831

Wayne Circuit Court

LC No. 00-010573

Before: Talbot, P.J., and Cooper and D.P. Ryan*, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of malicious destruction of personal property over \$1,000 but less than \$20,000, MCL 750.377a(1)(b)(i), and sentenced to eighteen months' probation. She now appeals of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole claim on appeal is that there was insufficient evidence to support her conviction because the prosecution failed to present any documentary evidence concerning the cost of repairing the damage to the complainant's vehicle. 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).

In this case, the complainant testified that it cost approximately \$2,300 to repair his car after defendant damaged it. The prosecution did not present copies of the repair bills, however. Citing *People v Hamblin*, 224 Mich App 87; 568 NW2d 339 (1997), defendant contends that the word of the complainant standing alone is not determinative of the amount of damage. Contrary to defendant's argument, *Hamblin* did not hold that the prosecution must present more evidence than the complainant's testimony concerning the cost of repair. The essential holding of *Hamblin* was that the test for measuring property damage is the market value of repairs, not necessarily the out-of-pocket cost to the complainant. *Id.* at 97.

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

The credibility of the complainant's testimony was for the trier of fact to assess and this Court gives due regard to the special opportunity and ability of the trial judge to determine witnesses' credibility. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748, amended 441 Mich 1201 (1992). Accepting the complainant's testimony, the evidence established that the damage to his car exceeded \$1,000. Accordingly, there was sufficient evidence to sustain defendant's conviction.

Affirmed.

/s/ Michael J. Talbot
/s/ Jessica R. Cooper
/s/ Daniel P. Ryan