

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANGELENE D. THOMAS,

Defendant-Appellant.

UNPUBLISHED

July 30, 2002

No. 231397

Wayne Circuit Court

LC No. 00-000476

Before: Murray, P.J., and Sawyer and Zahra, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of aggravated stalking, MCL 750.411i, and the trial court sentenced her to eighteen months' probation. Defendant appeals as 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 sustain her conviction. We disagree. 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).

Stalking occurs when a person engages in a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. MCL 750.411i(1)(e). "Course of conduct" is defined as two or more separate acts evidencing a continuity of purpose. MCL 750.411i(1)(a). "Harassment" includes repeated or continuing unconsented contact, which in turn includes nonconsensual contact by telephone. MCL 750.411i(1)(d), (f)(v). An individual is guilty of aggravated stalking if the conduct involves one of several special circumstances including the violation of a restraining order. MCL 750.411i(2)(a).

In this case, the evidence showed that defendant repeatedly telephoned the complainant and that defendant threatened to harm her on at least two occasions. Defendant concedes that the calls were nonconsensual. A reasonable person would be justified in feeling intimidated by the threats, especially in light of the complainant's testimony that defendant acted on her threats to

damage the complainant's car. Additionally, the complainant testified that she was actually threatened by the calls. Finally, the calls were contrary to the terms of a personal protection order against defendant. While defendant maintains that the complainant was stalking her and that the complainant's conduct was inconsistent with a person who felt terrorized, the trial court apparently chose to believe the complainant's testimony. Questions regarding the credibility of the witnesses are for the trier of fact and will not be disturbed by this Court. *People v Givans*, 227 Mich App 113, 124; 575 NW2d 84 (1997). Viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction.

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra