

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRIDGETTE MILHOUSE,

Defendant-Appellant.

UNPUBLISHED

August 2, 2002

No. 232012

Wayne Circuit Court

LC No. 99-012147

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

MEMORANDUM.

Defendant appeals as of right from a conviction of malicious destruction of personal property, MCL 750.377a(1)(c)(i), for which she was sentenced to one-year probation with the last thirty days in jail. We affirm.

In reviewing a nonjury criminal case, this Court “is required to review the entire record to determine whether the trial judge clearly erred.” *People v Rush*, 48 Mich App 478, 482; 210 NW2d 467 (1973). This Court must review the record to determine whether there was sufficient evidence to warrant a verdict of guilty beyond a reasonable doubt. *People v Garcia*, 398 Mich 250, 263; 247 NW2d 547 (1976). The trial court’s factual findings are reviewed for clear error. A finding of fact is considered “clearly erroneous if, after review of the entire record, the appellate court is left with a definite and firm conviction that a mistake has been made.” *People v Gistover*, 189 Mich App 44, 46; 472 NW2d 27 (1991).

The elements of the crime are (1) that the property belonged to another person, (2) that the defendant destroyed or damaged the property, (3) that the defendant knew what she did was wrong and acted with the intent to damage or destroy the property, and (4) the amount of the damage was at least \$200 but less than \$1,000. CJI2d 32.2; MCL 750.377a(1)(c)(i). The amount of the damage caused may be proved by the difference in the fair market value of the property before and after the damage or the reasonable cost to repair or restore the property. *People v Hamblin*, 224 Mich App 87, 96; 568 NW2d 339 (1997). The defendant’s intent may be inferred from her conduct and from facts and circumstances established beyond a reasonable doubt. *People v Strong*, 143 Mich App 442, 452; 372 NW2d 335 (1985).

Defendant does not dispute the sufficiency of the evidence per se. Rather, she contends that the trial court’s factual findings establishing the basis for her conviction were clearly erroneous. This contention is based solely on the relative credibility of defendant versus the

complainant and her sister. Because the trial court is in the best position to judge credibility, this Court will not substitute its judgment for that of the trial court but will defer to the trial court's resolution of factual issues that involve the credibility of witnesses. *People v Cartwright*, 454 Mich 550, 555; 563 NW2d 208 (1997); *People v Martin*, 199 Mich App 124, 125; 501 NW2d 198 (1993). Accordingly, there is no basis for concluding that the trial court's findings were clearly erroneous.

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra