

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIE MANUEL, JR.,

Defendant-Appellant.

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UNPUBLISHED

August 30, 2002

No. 231229

Wayne Circuit Court

LC No. 00-006477

Before: Cooper, P.J., and Hoekstra and Markey, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction of intentionally discharging a firearm from a moving vehicle, MCL 750.234a, and causing an injury by the discharge of a firearm intentionally aimed or pointed without malice, MCL 750.235. Defendant was sentenced as a third habitual offender, MCL 769.11, to three years probation with the first ten months to be served in jail. We affirm.

Defendant claims on appeal that there was insufficient evidence to convict him of these charges. We disagree. “When reviewing the sufficiency of the evidence in a bench trial, we must view the evidence in the light most favorable to the prosecution and determine whether a rational trier of fact could have found that the essential elements of the crime were proved beyond a reasonable doubt.” *People v Nunez*, 242 Mich App 610, 615; 619 NW2d 550 (2000). Rather than weighing the evidence, we must resolve all conflicts in favor of the prosecution. *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

In the instant case, defendant’s conviction hinges upon the victim’s credibility as a witness. Defendant points to the victim’s incoherent testimony and the fact he admitted to using marijuana a few days before trial. In addition, defendant notes that the victim was taking prescription medication for an alleged head injury suffered twelve years earlier. Defendant argues that this medication, combined with illegal drugs, affected the victim’s memory and perception of events. Defendant further claims that the victim had ulterior motives in identifying defendant, as shown by the throat-slashing gesture he made toward defendant during trial.

Credibility is an issue for the trier of fact that will not be resolved anew on appeal. *People v Avant*, 235 Mich App 499, 506; 597 NW2d 864 (1999). In this case, the trial court determined that the victim’s testimony regarding his shooter’s identity was credible. We will not

disturb that finding on appeal. While the victim's gesture toward defendant was threatening, it does not automatically render his entire testimony suspect. Indeed, the victim never expressed confusion over his shooter's identity. Viewing the evidence in the light most favorable to the prosecution, we find that sufficient evidence was presented to support defendant's convictions.

Affirmed.

/s/ Jessica R. Cooper

/s/ Joel P. Hoekstra

/s/ Jane E. Markey