

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT CARL HELFRICH,

Defendant-Appellant.

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UNPUBLISHED

December 18, 2007

No. 273959

Wayne Circuit Court

LC No. 06-004972-02

Before: Schuette, P.J., and Borrello and Gleicher, JJ.

PER CURIAM.

Defendant appeals as of right his bench trial conviction of aggravated stalking, MCL 750.411i. The trial court sentenced defendant to five years' probation. Defendant appeals as of right. We affirm. We decide this case without oral argument pursuant to MCR 7.214(E).

The victim, Christina Helfrich, obtained a personal protection order (PPO) against defendant, her estranged husband, on December 27, 2005. Defendant admitted to receiving proper service of the PPO.

Helfrich testified that after midnight on February 14, 2006, she "heard something downstairs," and looked outside. She saw defendant "by my living room window, and by my door, trying to get in my house." Two days later, Helfrich noticed "that my car was pushed, it was like sideways," and she found letters, a photograph, and a cardboard game in her mailbox. Helfrich identified defendant's handwriting on the letters, and stated that defendant's resume and his "I.D." were clipped to one page. According to Helfrich, the letters contained "some sexual fantasies." Helfrich testified that defendant also left voice messages on her telephone, which she described as ". . . him and his girl friend having sex, to him having conversations, which is talking to somebody, acting like he wasn't on the phone. And telling me I'm going to come up missing. . . . His exact words was [sic] that he was going to make me come up missing like Jimmy Hoffa." Helfrich additionally recounted that on March 7, 2006, she noticed a car following closely behind her, so she "sped up a little bit." The car drew closer, and she pulled to the side of the road. She identified defendant as the driver of the car, and testified, ". . . he was trying to push my car off the road." Helfrich related that these encounters with defendant frightened her, and interfered with her sleep.

Defendant denied calling or threatening Helfrich, and told the trial court that Helfrich called him occasionally to arrange meetings. He stated that despite the PPO, he and Helfrich met

to file an income tax return and to cash a tax refund check. Defendant's girlfriend testified that she overheard conversations between defendant and Helfrich in which Helfrich asked defendant to meet her, and "said that she missed him." The trial court convicted defendant of aggravated stalking, finding it incredible that Helfrich would obtain a PPO, and then "go[] chasing after" defendant. The trial court concluded, "I believe he is stalking her."

Defendant argues on appeal that because Helfrich did not see him place the materials in her mailbox, and did not witness defendant making the phone calls, insufficient evidence supported his conviction.

We review a challenge to the sufficiency of the evidence in a bench trial de novo, and in a light most favorable to the prosecution. *People v Sherman-Huffman*, 241 Mich App 264, 265; 615 NW2d 776 (2000), aff'd 466 Mich 39; 642 NW2d 339 (2002). We afford deference to the trial court's special opportunity and ability to evaluate the credibility of the witnesses. *People v Cartwright*, 454 Mich 550, 555; 563 NW2d 208 (1997). The credibility of testimony establishing identification is a matter to be resolved by the trial court, which we will not resolve anew. *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988).

"Aggravated stalking consists of the crime of 'stalking,' MCL 750.411h(1)(d), and the presence of an aggravating circumstance specified in MCL 750.411i(2)." *People v Threatt*, 254 Mich App 504, 505; 657 NW2d 819 (2002). "Stalking" is defined as 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). The aggravating circumstances alleged in this case included defendant's violation of a PPO, MCL 750.411i(2)(a), and "the making of 1 or more credible threats against the victim. . . ." MCL 750.411i(2)(c).

The trial court noted that it believed Helfrich's description of the episodes of harassment committed by defendant. Viewed in the light most favorable to the prosecution, this evidence demonstrated that defendant willfully and repeatedly harassed Helfrich, and that she reasonably felt frightened by defendant's actions. Defendant's claim that Helfrich failed to adequately identify him as the perpetrator of the harassing episodes is unpersuasive. Defendant did not object to Helfrich's testimony identifying defendant's handwriting on the letters left in her mailbox, or his voice on the recorded messages. The series of events detailed by Helfrich, combined with her observation of defendant trying to enter her home after midnight on February 14, 2006, provides sufficient evidence to prove that defendant stalked her. Defendant's admission that he knew of the PPO sufficed to prove aggravated stalking beyond a reasonable doubt.

Affirmed.

/s/ Bill Schuette  
/s/ Stephen L. Borrello  
/s/ Elizabeth L. Gleicher