

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LAURA JELINE FUSE,

Defendant-Appellant.

UNPUBLISHED

September 24, 2009

No. 285827

Berrien Circuit Court

LC No. 2007-405904-FH

Before: Servitto, P.J., and Fitzgerald and Bandstra, JJ.

PER CURIAM.

Defendant appeals as of right her jury trial conviction of resisting and obstructing a police officer, MCL 750.81d(1).¹ Defendant was sentenced to a \$300 fine and costs of \$1,120 or 60 days in jail. Because there was sufficient evidence to support defendant's conviction, we affirm.

On appeal, defendant argues that the prosecutor presented insufficient evidence to support the jury's verdict. We disagree.

This Court reviews sufficiency of the evidence claims de novo. *People v Lueth*, 253 Mich App 670, 680; 660 NW2d 322 (2002). We "view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt." *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999). To secure a conviction of resisting and obstructing a police officer, the prosecutor must prove the following two elements: (1) defendant assaulted, battered, wounded, resisted, obstructed, opposed, or endangered a police officer performing his duties, and (2) defendant knew or had reason to know that the person the defendant assaulted, battered, wounded, resisted, obstructed, opposed, or endangered was a police officer performing his duties at the time. MCL 750.81d(1); *People v Nichols*, 262 Mich App 408, 410; 686 NW2d 502 (2004). "'Obstruct' includes the use or threatened use of physical interference or force or a knowing failure to comply with a lawful command." MCL 750.81d(7)(a).

In November 2007, firefighters and police responded to a fire at a home owned by defendant. Defendant's adult son resided at the home. Sergeant Timothy Sutherland was in

¹ Defendant was acquitted of a charge of disturbance of lawful meetings, MCL 750.170.

police uniform while at the fire scene. He testified that he saw L.D. Fuse, the occupant of the burning home arrive and walk toward the home. Sergeant Sutherland testified that he grabbed L.D.'s arm to prevent him from entering the burning home and L.D. pulled away, telling Sergeant Sutherland that he was going in the home. Sutherland and another officer grabbed him once again and L.D. continued to struggle with them. Sutherland told L.D. he was under arrest and, when L.D. continued to resist, Sergeant Sutherland tased him. Defendant grabbed Sergeant Sutherland's arm after he tased her son and while he was attempting to arrest him.

Officer Scott Igert testified that while acting in his capacity as a uniformed police officer at the house fire, he noticed defendant attempting to approach other uniformed officers who were placing her son in the back of a police car and ordered her to stay back. Officer Igert testified that the first time he told defendant to stay back, she complied, then again attempted to approach the officers. According to Officer Igert, he again told her to stay back, but defendant pushed him twice in an attempt to get by him. Firefighter Robert Harper testified that he saw defendant shouting while she tried to get to a patrol car where her son was located and shove Officer Igert in an attempt to get past him.

The jury could have reasonably determined that defendant knew Officer Igert and Sergeant Timothy Sutherland were police officers because they were in uniform and she had previously heard and responded to orders from them. *Nichols, supra* at 411-412. Defendant's refusal to obey Officer Igert's order to stop, and her physical assaults on Sergeant Sutherland and Officer Igert were sufficient to uphold the jury's determination that defendant knowingly resisted and obstructed a police officer. *Nichols, supra*.

While defendant challenges the credibility of the prosecution's witness and calls upon this Court to consider the prosecution's case in light of the defense witnesses, we will not do so. Credibility determinations are for the trier of fact, *People v Cain*, 238 Mich App 95, 119; 605 NW2d 28 (1999), and we are required to view the evidence in the light most favorable to the prosecution when reviewing sufficiency of the evidence, *Johnson, supra*.

Affirmed.

/s/ Deborah A. Servitto
/s/ E. Thomas Fitzgerald
/s/ Richard A. Bandstra