IN THE SUPREME COURT OF THE STATE OF DELAWARE

<table>
<tr><td>JOSEPH F. WOOD,

Defendant-Below,
Appellant

v.

STATE OF DELAWARE ,

Plaintiff-Below,
Appellee</td><td>§
§
§
§
§
§
§
§
§
§
§</td><td>
No. 274, 2003

Court Below—Superior Court
of the State of Delaware in and
for New Castle County
Criminal Action Number:
IN02-09-0620, 0621, 0622,
0624</td></tr>
</table>

Submitted: October 22, 2003
Decided: October 31, 2003

Before **HOLLAND, STEELE,** and **JACOBS**, Justices

ORDER

This 31st day of October, 2003, upon consideration of the briefs of the parties and of the record, it appears to the Court that:

(1) The Defendant-Below, Appellant, Joseph Wood, was indicted by a grand jury on September 9, 2002 for Disorderly Conduct, Possession of a Deadly Weapon by a Prohibited Person, Aggravated Menacing, Possession of a Firearm During the Commission of a Felony, and Endangering the Welfare of a Child. Following a bench trial on February 27, 2003, the trial judge found Wood not guilty of Endangering the Welfare of a Child, but guilty on the remaining counts. On May 2, 2003, the Superior Court fined

Wood $200 for the Disorderly Conduct, and sentenced him o a total of eight years and nine months at various levels on the remaining charges.

(2) Wood appeals from that sentence. His claim is that the trial judge erred in finding that the evidence was sufficient to convict him of the underlying charges.

(3) Where an appeal is grounded on a claim that the evidence was insufficient to convict, the standard of review is whether a rational finder of fact, viewing the evidence in the light most favorable to the State, could find guilt beyond a reasonable doubt.[1]

(4) The record discloses the following pertinent facts: Darnell McKinney and the defendant engaged in a business deal in which McKinney would print five hundred business cards for the defendant for $40. Before the cards were printed, defendant gave McKinney $40, but there was an unexplained delay in delivering the cards. The defendant telephoned McKinney and left a profane message on his answering machine. On August 9, 2002, McKinney and his four year old daughter went to Anderson Rentals, where the defendant, Joseph Wood, and a few others, were standing outside. The daughter went into the store, and McKinney approached Wood, to ask why he had left the angry message on his answering machine..

[1] *Trump v. State*, 753 A.2d 963, 973 (Del. 2000).

An argument ensued, and McKinney allegedly put his hands on Wood's chest and told him "We need to end this [the argument] right now." Wood told McKinney to take his hands off of him, and according to McKinney's testimony, Wood pulled out a gun and pointed it at him. The store owner testified that he heard the argument, came out of the store and told Wood and McKinney to take their argument elsewhere. McKinney then picked up his daughter and left. The store owner also testified that he never saw a gun pointed at McKinney. A patron of Anderson Rentals who was inside the store during the incident also testified that he never saw Wood with a gun.

(5) In this case, it was the exclusive province of the trial judge, as fact-finder, to determine witness credibility and to resolve any conflicts in the testimony.[2] The transcript of the trial court's ruling clearly demonstrates that he was careful to reconcile the conflicting testimony of McKinney with that of the store owner and the patron.[3] The trial judge determined that McKinney's testimony was more credible on some issues, but that the testimony of the other two witnesses was more credible on other issues. Because the careful, rational findings by the trial judge were sufficient to sustain the convictions, those findings should not be disturbed.

---

[2] *Chao v State*, 604 A.2d 1351, 1363 (Del. 1992).

[3] See Trial Tr. at 171-176.

NOW, THEREFORE, IT IS ORDERED that the convictions and sentence of the Superior Court are **AFFIRMED**.

BY THE COURT:

/s/ JACK B. JACOBS
Justice