STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT DARRYL REEVES,

Defendant-Appellant.

UNPUBLISHED
July 9, 1996

No. 181115
LC No. B-93-001216-FH

Before: Saad, P.J. and McDonald and M. A. Chrzanowski,* JJ

MEMORANDUM.

The trial court convicted defendant of malicious destruction of police property, MCL 750.377b; MSA 28.609, and sentenced him to ninety days' incarceration. He now appeals wherein he challenges the sufficiency of the evidence against him. We affirm.

The standard for reviewing a sufficiency of the evidence claim is whether, when viewed in a light most favorable to the prosecution, a rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994). Here, defendant argues that because the testimony revealed that the damage to the rear passenger's side door of the police car was caused by someone with shoes on, and defendant did not have shoes on at the time he allegedly damaged the car, a rational trier of fact could not conclude beyond a reasonable doubt that defendant caused the damage to the police car. We find no merit to this challenge. Two of the four arresting officers testified that prior to placing defendant in the back seat of the police car, they inspected the car, and the rear passenger's side door was not damaged. Also, the four officers testified that they saw defendant kick the rear passenger's side door and window. Officer Reifert testified that he could see the door move when defendant kicked it, and Officer Marcelletti testified that he could see, as defendant was kicking, that the window was damaged. All four officers testified that the car was damaged. Because defendant denied doing any of the damage, the findings of fact hinged on the credibility of the witnesses. In such cases, special deference is given to the trier of fact. *Stanton v*

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* Circuit judge, sitting on the Court of Appeals by assignment.

Dachille, 186 Mich App 247, 255; 463 NW2d 479 (1990). Here, the trial judge, sitting as finder of fact, considered the officers' testimony to be more credible, and such a finding is the province of the trier of fact, and will not be disturbed on appeal. *People v Vaughn*, 186 Mich App 376, 380; 465 NW2d 365 (1990).

Affirmed.

/s/ Henry William Saad
/s/ Gary R. McDonald
/s/ Mary A.Chrzanowski