

STATE OF MICHIGAN
COURT OF APPEALS

In re MICHAEL BAK, a Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL BAK,

Defendant-Appellant.

UNPUBLISHED

May 19, 1998

No. 195499

Wayne Juvenile Court

LC No. 93-313071

Before: Holbrook, Jr., P.J., and Gribbs and R.J. Danhof*, JJ.

MEMORANDUM.

Defendant appeals as of right from his bench trial convictions of felonious assault, MCL 750.82; MSA 28.277, carrying a dangerous firearm with unlawful intent, MCL 750.226; MSA 28.423, and possessing a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). We affirm.

Defendant first argues that his convictions were against the great weight of the evidence. We disagree. When reviewing a trial court's findings of fact in a bench trial, this Court will not set aside those findings unless they are clearly erroneous. *People v Reeves*, 222 Mich App 32, 35; 564 NW2d 476 (1997); *Phardel v State*, 120 Mich App 806, 812; 328 NW2d 108 (1982).¹ "A finding of fact is clearly erroneous if, after a review of the entire record, an appellate court is left with a definite and firm conviction that a mistake has been made." *People v Swirles*, 218 Mich App 133, 136; 553 NW2d 357 (1996). Accord *Phardel, supra* at 812. Defendant asserts that his convictions were against the great weight of the evidence because there was no evidence that it was defendant who shot at the complaining witness on June 17, 1995. However, at trial the victim specifically testified that after he had been verbally threatened by defendant, defendant pulled out a handgun and fired four shots at the victim. Given this testimony, as well as the trial court's unique position to judge the credibility of the testifying witnesses, MCR 2.613(C), we conclude that the trial court's findings were not clearly erroneous.

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

We also disagree with defendant's argument that the trial court's findings of fact were not specific enough. MCR 2.517(A)(2) states that in a bench trial, "[b]rief, definite, and pertinent findings and conclusions on the contested matters are sufficient, without over elaboration of detail or particularization of facts." Additionally, "[a] trial court is not required to make specific findings regarding each element of a crime." *Reeves, supra* at 35. Here, the trial court specifically indicated that it was focusing on the victim's testimony. In the context in which it was made,² this observation evidences both an understanding that the victim's credibility was the central issue at trial, and that the trial court had concluded that the victim had told the truth. Accordingly, we hold that the trial court's findings of fact were sufficient.

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Roman S. Gribbs

/s/ Robert J. Danhof

¹ In *Hadfield v Oakland Co Drain Comm'r*, 430 Mich 139, 187 n 26; 422 NW2d 205 (1988), the Michigan Supreme Court observed that "a 'great weight of the evidence' challenge would seem to be irrelevant in the bench trial setting." In *Phardel*, this Court impliedly acknowledged this reality when the Court addressed a "great weight of the evidence" argument under the clearly erroneous standard. *Phardel, supra* at 812-813.

² The closing arguments of both the prosecution and defendant focused exclusively on the credibility of the complaining witness.