

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HANI AWDISH, a/k/a HANI ZIA AWDISH,

Defendant-Appellant.

UNPUBLISHED

November 17, 1998

No. 202877

Recorder's Court

LC No. 96-008746

Before: Young, Jr., P.J., and Wahls and Jansen, JJ.

MEMORANDUM.

Defendant appeals by right his conviction for careless discharge of a firearm, MCL 750.234; MSA 28.431, entered after a bench trial. We affirm with modification. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant asserts that the verdict was not supported by sufficient evidence. When determining whether sufficient evidence has been presented to sustain a conviction, an appellate court must view the evidence in a light most favorable to the prosecution and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992). Here, one of the complainants testified that defendant pointed the gun at him, and that he thought he would die when defendant fired the gun. This testimony was sufficient to establish that defendant pointed the gun at a complainant, supporting the conviction.

The trial court erred in imposing a \$1,000 fine on defendant. MCL 750.314; MSA 28.431 provides for a maximum fine of \$500. The trial court could not impose a fine in excess of this amount.

Defendant's conviction is affirmed, and the matter is remanded for imposition of a proper fine within the statutory authority. We do not retain jurisdiction.

/s/ Robert P. Young, Jr.

/s/ Myron H. Wahls

/s/ Kathleen Jansen