

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRADY C. PETERSON,

Defendant-Appellant.

UNPUBLISHED

April 25, 2000

No. 212107

Wayne Circuit Court

LC No. 98-000337

Before: Collins, P.J., and Neff and Smolenski, JJ.

PER CURIAM.

Defendant appeals as of right from his conviction of carrying a concealed weapon (CCW), MCL 750.227; MSA 28.424, entered after a bench trial. We affirm.

At trial, a police officer testified that as he pursued defendant, he observed defendant holding his waist area. He then observed defendant discard a gun magazine and a handgun from his waist area. The officer indicated that before the pursuit began, he did not see either object on defendant's person. He stated that defendant was wearing a coat that extended below his waist. Testifying on his own behalf, defendant denied possessing or discarding the gun magazine or the handgun.

The trial court found defendant guilty of CCW. The court concluded that defendant's testimony was not credible.

When reviewing a challenge to the sufficiency of the evidence in a bench trial, we view the evidence presented in a light most favorable to the prosecution, and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. The trier of fact may make reasonable inferences from evidence in the record, but may not make inferences completely unsupported by any direct or circumstantial evidence. *People v Petrella*, 424 Mich 221, 268-270, 275; 380 NW2d 11 (1985); *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

In a bench trial, the court must make findings of fact and state separately its conclusions of law. MCR 6.403. Findings are sufficient if it appears that the court was aware of the issues and correctly

applied the law. *People v Smith*, 211 Mich App 233, 235; 535 NW2d 248 (1995). We review a trial court's findings of fact for clear error. MCR 2.613(C); *People v Hermiz*, 235 Mich App 248, 255; 597 NW2d 218 (1999), lv gtd in part 461 Mich 880; 602 NW2d 582 (1999).

The elements of CCW are: (1) knowingly carrying a handgun; (2) concealed on or about one's person. Complete invisibility of the handgun is not required. A handgun is considered concealed if it cannot easily be seen by persons who come into ordinary contact with the accused. CJI2d 11.1.

Defendant argues that the evidence was insufficient to support his conviction. We disagree and affirm. The trial court, as trier of fact, was entitled to weigh the testimony and conclude that defendant's assertion that he was not the person who discarded the gun magazine and handgun was not worthy of belief. *People v Reeves*, 458 Mich 236, 237-239, 245; 580 NW2d 433 (1998); *Vaughn, supra* at 380. The evidence showed that before the pursuit began, the police officer did not see either the gun magazine or the handgun on defendant's person. As the officer pursued defendant, he saw defendant holding his waist area. He then saw defendant discard a gun magazine and a handgun from his waist area. This evidence supports an inference that defendant possessed and concealed the gun magazine and the handgun. Viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction of CCW. *Petrella, supra*.

Affirmed.

/s/ Jeffrey G. Collins
/s/ Janet T. Neff
/s/ Michael R. Smolenski