

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SANCHEZ H. FLETCHER,

Defendant-Appellant.

UNPUBLISHED

May 19, 2000

No. 212121

Wayne Circuit Court

Criminal Division

LC No. 97-001537

Before: McDonald, P.J., and Gage and Talbot, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of receiving or concealing stolen property over \$100, MCL 750.535; MSA 28.803, and sentenced to two years' probation.¹ Defendant appeals as of right. We affirm.

Defendant argues that the trial court erred in denying his motion for a new trial on the ground that the verdict was against the great weight of the evidence. We disagree. This Court reviews a trial court's decision on a motion for a new trial for an abuse of discretion. *People v Gadomski*, 232 Mich App 24, 28; 592 NW2d 75 (1998). A trial court may grant a motion for a new trial based on the great weight of the evidence only where the evidence preponderates heavily against the verdict so that it would be a miscarriage of justice to allow the verdict to stand. *People v Lemmon*, 456 Mich 625, 627; 576 NW2d 129 (1998).

Here, two officers identified defendant as the driver of the stolen vehicle and defendant was present at the location where the vehicle was ultimately parked. While the officers' credibility was hindered by inconsistencies regarding the details surrounding defendant's arrest, questions of witness credibility are the exclusive province of the jury and must not be disturbed by trial or appellate courts. *Lemmon*, *supra* at 642, 646-647; *People v Avant*, 235 Mich App 499, 506; 597 NW2d 864 (1999). Therefore, after carefully reviewing the record, we conclude that

the trial court did not abuse its discretion in denying defendant's motion for a new trial based on the great weight of the evidence.

Affirmed.

/s/ Gary R. McDonald

/s/ Hilda R. Gage

/s/ Michael J. Talbot

¹ Defendant was later sentenced to one to two years' imprisonment for violating the terms of his probation.