

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID BRYANT,

Defendant-Appellant.

UNPUBLISHED

December 26, 2000

No. 216580

Wayne Circuit Court

LC No. 97-009527

Before: Bandstra, C.J., and Fitzgerald and D. B. Leiber*, JJ.

MEMORANDUM.

Defendant appeals as of right from convictions of armed robbery, MCL 750.529; MSA 28.797, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), following a bench trial. He was sentenced to three to fifteen years for the robbery conviction, to be served consecutively to the two-year mandatory sentence for felony-firearm. We affirm.

In reviewing a nonjury criminal case, this Court “is required to review the entire record to determine whether the trial judge clearly erred.” *People v Rush*, 48 Mich App 478, 482; 210 NW2d 467 (1973). This Court must review the record to determine whether there was sufficient evidence to warrant a verdict of guilty beyond a reasonable doubt. *People v Garcia*, 398 Mich 250, 263; 247 NW2d 547 (1976). The trial court’s factual findings are reviewed for clear error. A finding of fact is considered “clearly erroneous if, after a review of the entire record, the appellate court is left with a definite and firm conviction that a mistake has been made.” *People v Gistover*, 189 Mich App 44, 46; 472 NW2d 27 (1991).

Defendant does not challenge the sufficiency of the evidence as it relates to the elements of the crimes charged. He contends only that the trial court erred in finding that he was the person who committed the crimes. The fact that the trial court chose to find the complainant credible despite defense counsel’s efforts to impeach him does not constitute clear error. *People v Snell*, 118 Mich App 750, 755; 325 NW2d 563 (1982). Because there was evidence to support the trial court’s finding that the complainant was credible, we defer to the trial court’s resolution

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

of the issue of identity. *People v Cartwright*, 454 Mich 550, 555; 563 NW2d 208 (1997); *People v Martin*, 199 Mich App 124, 125; 501 NW2d 198 (1993).

We affirm.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Dennis B. Leiber