

STATE OF MICHIGAN  
COURT OF APPEALS

---

In re BRANDON MICHAEL BEGZIAK, Minor.

---

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

BRANDON MICHAEL BEGZIAK,

Respondent-Appellant.

---

UNPUBLISHED  
November 9, 2001

No. 225532  
Macomb Family Court  
LC No. 98-046663-DL

Before: Doctoroff, P.J., and Wilder and Schmucker\*, JJ.

MEMORANDUM.

Respondent appeals as of right from an order of disposition sentencing him to probation following an adjudication that he was responsible for malicious destruction of a building over \$100. MCL 750.380. We affirm.

Respondent does not deny that the prosecutor proved each element of the crime charged beyond a reasonable doubt. He contends only that the trial court erred in finding him guilty when the defense witnesses all agreed that he had not committed the crime charged. We disagree. Because this was a bench trial, the trial judge sat as the trier of fact. The court found that this case presented a credibility contest between the victim and defense witnesses, specifically resolved the issue of credibility in the victim's favor and, based on the victim's testimony, found that the prosecutor had proved beyond a reasonable doubt that respondent had committed the crime charged. Because the trial court is in the best position to judge credibility, we defer to the trial court's resolution of the issue. *People v Cartwright*, 454 Mich 550, 555; 563 NW2d 208 (1997); *People v Martin*, 199 Mich App 124, 125; 501 NW2d 198 (1993). Further, we find nothing in the record to suggest that the trial court improperly shifted the burden of proof to respondent.

---

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

Affirmed.

/s/ Martin M. Doctoroff

/s/ Kurtis T. Wilder

/s/ Chad C. Schmucker