

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DERLYN SNIDER,

Defendant-Appellant.

UNPUBLISHED

March 5, 2002

No. 229703

Wayne Circuit Court

LC No. 00-002560

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of unlawfully driving away an automobile, MCL 750.413. The trial court sentenced him as a fourth felony offender, MCL 769.12, to eighteen months' to five years' imprisonment. Defendant appeals as of right and we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant contends that there was insufficient evidence to establish that he was the person who drove off with the complainant's automobile without permission. When reviewing a challenge to the sufficiency of the evidence in a bench trial, this Court views the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 268-269; 380 NW2d 11 (1985); *People v Nunez*, 242 Mich App 610, 615; 619 NW2d 550 (2000). This standard also applies where, as here, the defendant contends that there was insufficient evidence to sustain a finding that he was the person who committed the offense. See *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988).

Here, the complainant identified defendant as the person who came to his house and drove off in his car. He had ample time to observe and converse with defendant, and his encounter with defendant occurred outdoors in mid-afternoon. The driver's license defendant gave the complainant supplied him with defendant's name. The complainant also had contact with members of defendant's family. Viewed most favorably to the prosecution, this evidence was sufficient to establish defendant's identity beyond a reasonable doubt. Defendant's argument amounts to a claim that the trial court erred in finding the complainant's identification of defendant to be credible. The credibility of the identification testimony was a matter for the trial court, as the trier of fact, to decide. *Daniels, supra* at 378. This Court will not resolve it anew. *Id.*

Affirmed.

/s/ Richard A. Bandstra

/s/ William B. Murphy

/s/ Christopher M. Murray