

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LAJUAN COVINGTON,

Defendant-Appellant.

UNPUBLISHED

June 10, 2003

No. 239347

Wayne Circuit Court

LC No. 01-004530-01

Before: Fitzgerald, P.J., and Hoekstra and O'Connell, JJ.

MEMORANDUM.

Defendant was convicted by the court of felonious assault, MCL 750.82, and possession of a firearm by a felon, MCL 750.224f, and was sentenced to prison terms of eighteen months to 7 ½ years for the assault conviction and eighteen months to four years for firearm conviction. Defendant appeals as of right. We affirm.

Defendant argues that the trial court's findings of fact were clearly erroneous. A finding of fact is clearly erroneous if, after a review of the entire record, an appellate court is left with a definite and firm conviction that a mistake has been made. *People v Swirles (After Remand)*, 218 Mich App 133, 136; 553 NW2d 357 (1996). Deference is given to the trial court's determination of credibility. *People v Sherman-Huffman*, 241 Mich App 264, 265; 615 NW2d 776 (2000).

A review of the record indicates that the trial court's findings of fact were supported by the complainant's testimony that defendant was the assailant in this case, and by the immediate and subsequent nature of her statements of identification and the corroborating testimony of the other prosecution witnesses. Further, the trial court's decision not to credit Cristy Cage's testimony is supported by the fact that her alibi testimony did not cover the specific time of the instant offense.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Joel P. Hoekstra

/s/ Peter D. O'Connell