STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KEITH VEREECKE,

Defendant-Appellant.

UNPUBLISHED
December 30, 2003

No. 242722
Wayne Circuit Court
LC No. 01-010803

Before: Cavanagh, P.J., and Jansen and O'Connell, JJ.

PER CURIAM.

Defendant appeals as of right his bench trial convictions for aggravated stalking, MCL 750.411i, and arson-dwelling house curtilage, MCL 750.72. We affirm.

Defendant was convicted of aggravated stalking his former girlfriend and burning down her garage in July of 2001. Before the fire, the victim testified, defendant had been harassing her and, about two days before the fire, said to her, "bitch, I'm going to burn you out." After the fire, defendant continued to harass and threaten her and would not leave her alone. The victim testified that defendant said "he was going to get me. He was going to burn me out." The victim's neighbor testified that he was friends with defendant and on more than one occasion, both before and after the fire, defendant told him that "he was going to get the bitch" and that the victim was going to "get hers." The victim's son testified that on the morning of the fire, which occurred at 5:00 a.m., he saw defendant in the alley by his mother's house, but defendant lived about four blocks away from where his mother lived. A fire investigator in the arson division of the Detroit Fire Department testified that the fire was the result of arson. At the conclusion of the bench trial, the court rendered detailed findings of fact and found defendant guilty of both charges.

On appeal, defendant argues that he was denied due process because the trial court "took over direct-examination of the prosecution witnesses" and, thus, pierced the veil of judicial impartiality. We disagree. Because defendant failed to object during the contested questioning of the witnesses, our review is for plain error affecting defendant's substantial rights. See *People v Carines*, 460 Mich 750, 763-764; 597 NW2d 130 (1999).

Pursuant to MRE 614(b), a trial court may interrogate witnesses at trial. In a bench trial, a trial judge has more discretion to question witnesses than during a jury trial. *People v Wilder*, 383 Mich 122, 124-125; 174 NW2d 562 (1970). As long as the questions were not

"intimidating, argumentative, prejudicial, unfair or partial" and where the record disclosed no bias on the judge's part, reversal based on a trial court's questioning of witnesses in a bench trial is not warranted. *Id*. at 124; *People v Meatte*, 98 Mich App 74, 78; 296 NW2d 190 (1980). Here, defendant appears to claim that the trial court excessively questioned witnesses and, in some instances, asked leading questions. However, defendant has failed to allege any inappropriate question or instance in which bias was demonstrated. See *id*. After review of the record, we understand why—the trial judge's questions were not "intimidating, argumentative, prejudicial, unfair or partial," and showed no bias. To the contrary, the questioning clarified testimony and elicited additional relevant information. Accordingly, defendant has failed to establish plain error warranting reversal.

Defendant also argues that there was insufficient evidence to support either of his convictions. We disagree. In reviewing a sufficiency claim, this Court considers the evidence in a light most favorable to the prosecutor 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 Nowack*, 462 Mich 392, 399-400; 614 NW2d 78 (2000).

Here, with regard to both the aggravated stalking and arson convictions, defendant merely claims that none of the prosecution witnesses' testimony was credible. However, this Court will neither interfere with the role of the trier of fact in determining the weight of the evidence nor resolve questions of credibility anew. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748, amended 441 Mich 1201 (1992); *People v Givans*, 227 Mich App 113, 123-124; 575 NW2d 84 (1997). After review of the record and the trial court's findings of fact, we agree that the evidence, considered in a light most favorable to the prosecution, supported both convictions.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Peter D. O'Connell