

STATE OF MICHIGAN
COURT OF APPEALS

In re MICHAEL EDWIN SMITH, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

MICHAEL EDWIN SMITH,

Respondent-Appellant.

UNPUBLISHED

June 15, 2004

No. 252760

Van Buren Circuit Court

Family Division

LC No. 01-013458

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

PER CURIAM.

Respondent was convicted, after a bench trial, of malicious destruction of property – less than \$200, MCL 712A.2, and throwing objects at trains/cars, MCL 750.394. He appeals and we affirm.

Respondent was stopped at the scene where damaged occurred to the victim's motor vehicle. Respondent's sole argument on appeal is that the only evidence linking him to the charged crimes was the testimony of prosecution witnesses Ryan and Lester Willis in which the witnesses claimed respondent had admitted to them that he had thrown a quarter off of the Hartford highway overpass on the night in question and that it had hit a car and bounced off, that these witnesses lacked credibility, and that therefore the trial court relied on insufficient evidence in finding respondent guilty of the charged crimes.

With regard to a challenge to the sufficiency of the evidence, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found all of the elements of the offense proven beyond a reasonable doubt. *Jackson v Virginia*, 443 US 307, 319; 99 S Ct 2781; 61 L Ed 2d 560 (1979); *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), mod 441 Mich 1201 (1992). This standard is equally applicable where defendant is convicted after a bench trial. *People v Legg*, 197 Mich App 131, 132; 494 NW2d 797 (1992), lv den 442 Mich 916 (1993). Circumstantial evidence and reasonable inferences therefrom may constitute sufficient evidence to find all the elements of an offense beyond a reasonable doubt. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000). All conflicts in the evidence must be resolved in favor of the prosecution. *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997), lv den 458 Mich 870 (1998).

Specifically, when reviewing a challenge to the sufficiency of the evidence on the basis of credibility, this Court will not interfere with the factfinder's role in determining the weight of evidence or the credibility of witnesses, whether the fact finder is a jury, *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), modified 441 Mich 916 (1993), or the trial court, *People v Petrella*, 424 Mich 221, 269-270; 380 NW2d 11 (1985); *People v Jackson*, 178 Mich App 62, 64-65; 443 NW2d 423 (1989). Accordingly, respondent's claim is without merit and, therefore, respondent is not entitled to reversal or remand.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Peter D. O'Connell
/s/ Pat M. Donofrio