

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRUCE WILLIAMS,

Defendant-Appellant.

UNPUBLISHED
November 1, 2005

No. 254930
Wayne Circuit Court
LC No. 03-011188

Before: Gage, P.J., and Hoekstra, and Murray, JJ.

MEMORANDUM.

Defendant appeals as of right his jury trial convictions of two counts of armed robbery, MCL 750.529, one count of assault with intent to rob while armed, MCL 750.89, and one count of possession of a firearm during the commission of a felony, MCL 750.227b. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was charged as a result of an armed robbery that took place at a pizza shop in Detroit where defendant used to work. Employees Diha Arafat, Tracey Hill, and Rebecca O'Hara identified defendant as one of two perpetrators who entered the store, pointed guns at them, and took money from the cash register and them. Arafat and Hill viewed a photo array at separate times, and each identified defendant as one of the perpetrators of the incident.

Defendant argues that the trial court erred in denying his motion for directed verdicts because the identifications were unreliable. When reviewing a trial court's decision on a motion for a directed verdict, we examine the record de novo to determine whether the evidence presented by the prosecution, viewed in a light most favorable to the prosecution, could convince a rational trier of fact that the essential elements of the charged offenses were proved beyond a reasonable doubt. *People v Aldrich*, 246 Mich App 101, 122; 631 NW2d 67 (2001).

The elements of armed robbery are: (1) an assault; (2) a felonious taking of property from the presence or person of the victim; (3) while the defendant is armed with a weapon as described in the statute. MCL 750.529; *People v Rodgers*, 248 Mich App 702, 707; 645 NW2d 294 (2001). The elements of assault with intent to rob while armed are: (1) an assault with force and violence; (2) an intent to rob or steal; and (3) the defendant being armed. MCL 750.89; *People v Akins*, 259 Mich App 545, 554; 675 NW2d 863 (2003). The elements of felony-firearm are: (1) the possession of a firearm; (2) during the commission of, or the attempt to commit, a felony. MCL 750.227b.

Arafat, Hill, and O'Hara unequivocally identified defendant as one of the perpetrators of the robbery. The witnesses testified consistently that defendant, who was familiar to them and whom they knew by the street name "Ace," wore dark clothing, and that they recognized him by his body structure and walk. Hill and Arafat identified defendant from a photo array. The jury was entitled to accept the witnesses' identification testimony as credible notwithstanding the fact that it contained some minor inconsistencies. *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002). The prosecution's evidence, viewed in a light most favorable to the prosecution, was sufficient to convince a rational trier of fact that the elements of the charges against defendant were proved beyond a reasonable doubt. *Aldrich, supra*.

Affirmed.

/s/ Hilda R. Gage
/s/ Joel P. Hoekstra
/s/ Christopher M. Murray