

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOSEPH PALMER, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

JOSEPH PALMER,

Respondent-Appellant.

UNPUBLISHED

January 17, 2013

No. 303872

Wayne Circuit Court

Family Division

LC No. 09-484817

Before: WILDER, P.J., and METER and GLEICHER, JJ.

PER CURIAM.

Following a bench trial, respondent, a juvenile, was adjudicated responsible for resisting and/or assaulting a police officer, MCL 750.81d. The trial judge ordered that respondent be placed with the Michigan Department of Human Services for care and supervision. We affirm.

Respondent argues that petitioner presented insufficient evidence to prove beyond a reasonable doubt that respondent was responsible for resisting and/or assaulting a police officer. We disagree.

This Court reviews challenges to the sufficiency of the evidence in bench trials de novo. *People v Lanzo Const Co*, 272 Mich App 470, 473-474; 726 NW2d 746 (2006). “When ascertaining whether sufficient evidence was presented in a bench trial to support a conviction, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt.” *People v Kanaan*, 278 Mich App 594, 618; 751 NW2d 57 (2008). The requirement that every criminal conviction be supported by sufficient evidence “is an attempt to give concrete substance” to a defendant’s due process rights by precluding irrational verdicts. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999). The weight of the evidence and the credibility of witnesses are to be determined by the trier of fact. *Kanaan*, 278 Mich App at 619.

Under MCL 750.81d(1), the elements required to establish criminal liability are: (1) the defendant assaulted, battered, wounded, resisted, obstructed, opposed, or endangered a police officer, and (2) the defendant knew or had reason to know that the person that the defendant assaulted, battered, wounded, resisted, obstructed, opposed, or endangered was a police officer performing his or her duties. [*People v Corr*, 287 Mich App 499, 503; 788 NW2d 860 (2010).]

Respondent's only claim on appeal is that the evidence was insufficient to establish that he assaulted, battered, wounded, resisted, obstructed, opposed or endangered a police officer, the first element of the crime. He argues that because his hands were bound at the time of the incident, it was impossible for him to have resisted or obstructed the officers. However, two officers testified that respondent ignored the officers' verbal commands and questions, attempted to prevent the courtroom door from opening, and "lunged at" and "kicked at" Officer Degasperis. In addition, Officer Degasperis testified that respondent spat blood in his face. This evidence was sufficient to enable a trier of fact to conclude beyond a reasonable doubt that, despite the fact that respondent's hands were bound, Officer Degasperis had been assaulted, resisted, obstructed, opposed, and/or endangered as required under MCL 750.81d(1).

Although respondent maintains that "a trier of fact evaluating the same set of facts would have reached a different conclusion," this misstates this Court's standard of review. The proper question is, affording petitioner the benefit of any factual doubt, whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *Kanaan*, 278 Mich App at 618. Similarly, respondent's contention that "respondent testified in a forthright and truthful manner and as such his testimony should be afforded the same weight as the prosecution witnesses" is misguided because it is the province of the trier of fact to weigh the credibility of witnesses. *Id.* at 619.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Patrick M. Meter
/s/ Elizabeth L. Gleicher