

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

UNPUBLISHED
July 18, 2013

v

BRANDON MORRELL THOMPSON,

Defendant-Appellant.

No. 310308
Wayne Circuit Court
LC No. 11-12350-01-FC

Before: STEPHENS, P.J., and WILDER and OWENS, JJ.

PER CURIAM.

Defendant appeals as of right from his conviction following a bench trial of armed robbery, MCL 750.529. Defendant was sentenced to serve a prison term of 9 to 30 years. We affirm.

On August 31, 2011, Diane Russell was waiting at a bus stop along with her two daughters, Dazhanay Allen and another woman whose name is not in the record. A fourth woman, Fay Darrell, was also waiting at this bus stop. All four of them were sitting on steps about 10 feet away from the sidewalk. It was dark out, and the street lights were located across the street.

Defendant and another man appeared on the sidewalk and moved closer toward the steps as they walked by the women.¹ While walking by, defendant made a hand gesture to Darrell signifying “what up?” and said “hi” to the other women. Darrell recognized him from “the hood” and Northwestern High School. Defendant and the other man proceeded to the corner, turned around, and walked back toward the women. They never left the women’s sight.

Once they had walked back close to the women, defendant pulled out a silver gun and held it to his side so that the women could see it. Defendant then said, “I ain’t gonna’ hurt you. Give me everything you got.” He then pulled his shirt up over the bridge of his nose, covering the lower part of his face. Russell then gave defendant her cell phone and the five dollars she had for bus fare. Defendant held the gun in one hand and took the cell phone and money in the

¹ The man who was with defendant is not identified in the record.

other hand. Darrell gave her cell phone to the other man. Defendant and the other man then left, and the women crossed the street to a police car and told an officer what happened.

Allen testified that she was “staring at the gun” “most of the time” during the robbery, but, nevertheless, she was also able to describe to the officer what defendant was wearing, which included a white Aeropostale hoodie, “orange-ish” Timberland shoes, and long jeans. At trial, Allen identified defendant as the man who said “hey” to her, walked to the corner, turned around and walked back toward the women, pulled out a gun, and robbed her mother.

After the incident, Darrell went to the police station and directed the officers to defendant’s Facebook page. She later picked defendant’s picture out of a photo line-up. Darrell also identified defendant at trial as the man she had recognized from school and the “hood” who, while holding a gun, robbed Russell at the bus stop. Defendant was convicted of armed robbery against Russell but was acquitted of armed robbery against Darrell.

Defendant argues there is insufficient evidence to support his conviction of armed robbery. We disagree. Insufficiency of the evidence claims are reviewed de novo. *People v Harverson*, 291 Mich App 171, 175; 804 NW2d 757 (2010). The reviewing court must review the evidence in the light most favorable to the prosecution and determine whether a rational trier of fact could find that the evidence proved the essential elements of the crime beyond a reasonable doubt. *Id.*

To prove armed robbery under MCL 750.529, the prosecution must provide evidence showing beyond a reasonable doubt that defendant committed (1) an assault, (2) a felonious taking of property from the victim’s presence or person, and (3) while the defendant is armed with a weapon. MCL 750.529; *People v Smith*, 478 Mich 292, 319; 733 NW2d 351 (2007). On appeal, defendant confines his argument to whether there was sufficient evidence to prove that he was the person who committed the armed robbery.

The credibility of identification testimony is a question for the trier of fact. *People v Davis*, 241 Mich App 697, 700; 617 NW2d 381 (2000). In this case there was sufficient evidence for the trial court to find beyond a reasonable doubt that defendant committed the armed robbery. Allen identified defendant at trial as the man who had a gun and robbed her mother. And even more compelling, at the time of the robbery, Darrell recognized defendant from Northwestern High School and the “hood”; she was later able to provide police a photo of defendant through Facebook and pick him out of a photo line-up. Finally, Darrell also identified defendant at trial as the man who robbed Russell and the one that held a gun. Viewed in a light most favorable to the prosecution, this is sufficient evidence for a rationale trier of fact to find the identification element proven beyond a reasonable doubt.

Affirmed.

/s/ Cynthia Diane Stephens
/s/ Kurtis T. Wilder
/s/ Donald S. Owens