

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM BRACE,

Defendant-Appellant.

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UNPUBLISHED

May 3, 1996

No. 176529

LC No. 93-012120

Before: Griffin, P.J., and Smolenski and L. P. Borrello,\* JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of armed robbery, MCL 750.529; MSA 28.797, and the possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). Defendant thereafter pleaded guilty as an habitual offender, third offense, MCL 769.11; MSA 28.1083. Defendant was sentenced to eight to sixteen years' imprisonment on the habitual offender conviction, a sentence that is consecutive to a two year sentence for his felony-firearm conviction. Defendant appeals as of right. We affirm.

On appeal, defendant first contends that there is insufficient evidence to support his convictions. Specifically, defendant claims that the evidence is insufficient to identify him as the person who committed the involved robbery. We disagree. In reviewing the sufficiency of the evidence in a criminal case, we 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 Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992). In making this determination, this Court will not interfere with assessments of credibility made

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\*Circuit judge, sitting on the Court of Appeals by assignment.

by the trier of fact. *Id.* at 514-515; *People v Velasquez*, 189 Mich App 14, 16; 472 NW2d 289 (1991); see also *People v Boynton*, 46 Mich App 748, 749; 208 NW2d 523 (1973); *People v Harper*, 43 Mich App 500, 507; 204 NW2d 263 (1972).

Here, each of the three victims, who were present during the robbery, positively identified defendant as the man who entered the florist shop, wielded a gun, and demanded money. Each of the three victims testified that during the robbery, they looked defendant directly in the face at close range in a well-lit environment. Although neither victim had noticed any tattoos on defendant's wrists, each witness testified that during the robbery defendant had been wearing a jacket that covered his wrists. The trial court expressly found that the testimony of the three victims was credible, and that the testimony of defendant's alibi witnesses was rehearsed and "incredulous." Viewing this evidence in a light most favorable to the prosecution, we find that there was sufficient evidence to permit a rational trier of fact to conclude that defendant committed the involved robbery. Therefore, we conclude that there was sufficient evidence to find that defendant was guilty beyond a reasonable doubt of armed robbery and felony-firearm.

Next, defendant contends that the verdict was contrary to the great weight of the evidence. However, defendant waived this issue by failing to raise it in a timely motion for a new trial. MCR 2.611(A)(1)(e) & (B); *People v Patterson*, 428 Mich 502, 514-515; 410 NW2d 733 (1987); *DeGroot v Barber*, 198 Mich App 48, 54; 497 NW2d 530 (1993); *People v Dukes*, 189 Mich App 262, 264; 471 NW2d 651 (1991).

Affirmed.

/s/ Richard Allen Griffin  
/s/ Michael R. Smolenski  
/s/ Leopold P. Borrello