

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONALD ANTHONY DAVIS,

Defendant-Appellant.

UNPUBLISHED

September 27, 1996

No. 184165

LC No. 94-007281

Before: White, P.J., and Griffin and D. C. Kolenda,* JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of stalking, MCL 750.411h; MSA 28.643(8), and sentenced to three years' probation and to weekend jail for six months. Defendant appeals as of right. We affirm.

Defendant contends that there was insufficient evidence to support his conviction because he had a legitimate purpose for contacting the victim, so his contact was not within the statutory definition of "harassment." The statutory definition excludes contact for a legitimate purpose. MCL 750.411h(1)(c); MSA 28.643(8)(1)(c). However, the essence of this issue is the credibility contest between the victim and her coworker on the one hand, and defendant on the other.

The victim and her coworker testified that defendant telephoned the victim between thirty and sixty times at work on the day in question. Further, the victim said that defendant threatened that if she did not speak with him, something bad would happen to her. Defendant admitted that he called the victim, but said that he called only five times and that he called to discuss an upcoming court hearing concerning him and the victim.

The trial court's oral findings make it clear that the court accepted the testimony of the victim and her coworker with regard to the number and nature of the phone calls. Because the credibility of a victim's testimony, as compared to that of a defendant, is for the trier of fact in a bench trial to decide and because we will not resolve that determination anew, *People v Jackson*, 178 Mich App 62, 64-

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

65; 443 NW2d 423 (1989), defendant's contacts fell within the statutory definition of harassment, and, therefore, there was sufficient evidence to support defendant's stalking conviction.

Affirmed.

/s/ Helene N. White
/s/ Richard Allen Griffin
/s/ Dennis C. Kolenda