

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD ALAN PUNG,

Defendant-Appellant.

UNPUBLISHED

October 4, 1996

No. 178779

LC No. 94-009973-FC

Before: Holbrook, P.J., and Saad and W. J. Giovan,* JJ.

PER CURIAM.

A jury convicted defendant of first-degree murder, MCL 750.316; MSA 28.548. The trial court sentenced him to life imprisonment without parole. Defendant appeals; we affirm.

Defendant murdered Kacy Renucci in her home in the early morning hours of November 18, 1993. The evidence indicated that defendant beat Renucci with a table leg, then took a knife out of a kitchen drawer and stabbed and slashed her neck at least ten times. Police found defendant at Renucci's home immediately after the murder. Defendant claimed that Renucci attacked him and that he had acted in self-defense.

Defendant raises three issues on appeal, none of which require reversal of his conviction.

I.

Defendant first argues that his conviction must be reversed because the trial judge allowed a witness to testify regarding an incriminating phone call made by defendant, despite the fact that the witness did not positively identify the caller as defendant. We disagree.

At trial, George Spratto testified that he received a phone call from defendant at around 3 a.m. on the morning of Renucci's murder. Spratto's testimony on direct examination established that he was familiar with defendant's voice, and that the voice on the phone sounded like defendant's. This evidence

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

was properly admitted. *People v Hayes*, 126 Mich App 721, 725; 337 NW2d 905 (1983); *People v Bozzi*, 36 Mich App 15, 20, 22-23; 193 NW2d 373 (1971).

II.

Defendant next argues that insufficient evidence was presented to prove the premeditation and deliberation required for first-degree murder. We disagree.

The evidence showed that defendant was apparently angry with Renucci for interfering in his relationship with another woman. Defendant first attempted to verify that Renucci was alone, via his phone call to Spratto, then went to visit her in her home. Defendant beat Renucci with a table leg, then took a knife out of a kitchen drawer and stabbed and slashed her neck at least ten times. He wore gloves during his attack of Renucci. Viewing this evidence in a light most favorable to the prosecutor, a rational jury could have found premeditation and deliberation proven beyond a reasonable doubt. *People v Jolly*, 442 Mich 458, 465-466; 502 NW2d 177 (1993).

III.

Finally, defendant argues that the trial judge erred by allowing the prosecutor to cross-examine defendant regarding the credibility of prosecution witnesses. We find no error. Review of the record shows that the prosecutor did not ask defendant to comment on the credibility of the prosecutor's witnesses. Instead, the prosecutor asked defendant to explain events which had been brought out in prior testimony, such as the fact that the house was dark at 5:30 a.m., and that one witness saw defendant pacing inside the house while police waited at the door. The trial judge did not err by allowing these questions. *People v Buckey*, 424 Mich 1, 17; 378 NW2d 432 (1985).

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Henry William Saad

/s/ William J. Giovan