

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TAQUANA L. JOHNSON,

Defendant-Appellant.

UNPUBLISHED

May 28, 1999

No. 205412

Recorder's Court

LC No. 96-005888

Before: Griffin, P.J., and Cavanagh and Fitzgerald, JJ.

MEMORANDUM.

Defendant appeals by right her bench trial conviction of operating a motor vehicle while under the influence of intoxicating liquor (OUIL) and thereby causing death, MCL 257.625(4); MSA 9.2325(4), for which she was sentenced to two to fifteen years' imprisonment. We affirm.

On appeal, defendant contends that the prosecution failed to present sufficient evidence to prove her guilt beyond a reasonable doubt. We disagree. When reviewing the sufficiency of the evidence, we view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994). The prosecution need not negate every reasonable theory of innocence, but must only prove its own theory beyond a reasonable doubt in the face of whatever contradictory evidence the defendant provides. *People v Quinn*, 219 Mich App 571, 574; 557 NW2d 151 (1996).

Here, the evidence is clearly sufficient to support defendant's conviction when it is viewed in the light most favorable to the prosecution. In fact, other than merely noting her own theory of the case, defendant has not offered any reason for finding the prosecution's evidence insufficient. The defense theory that defendant's vehicle was struck from behind by a mail truck was not only refuted by the mail truck driver's testimony but it was also unsupported by the physical evidence. Indeed, as noted by the trial court, defendant's version of events was even contradicted in several respects by defendant's own witnesses.

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ E. Thomas Fitzgerald