

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JEROME JONES,

Defendant-Appellant.

UNPUBLISHED

October 23, 2003

No. 240846

Wayne Circuit Court

LC No. 01-012177

Before: Bandstra, P.J., and Hoekstra and Borrello, JJ.

MEMORANDUM.

Defendant appeals as of right from a nonjury conviction of attempted carjacking, MCL 750.92; MCL 750.529a, for which he was sentenced to one to five years in prison. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole claim on appeal is that the evidence was insufficient to sustain the verdict. Defendant does not challenge the evidence regarding the elements of the crime charged, but contends that it was insufficient to prove he was the person who committed the crime.

A challenge to the sufficiency of the evidence in a bench trial is reviewed de novo on appeal. *People v Sherman-Huffman*, 241 Mich App 264, 265; 615 NW2d 776 (2000), aff'd 466 Mich 39 (2002). This Court reviews the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could have found that each element of the crime was proved beyond a reasonable doubt. *People v Harmon*, 248 Mich App 522, 524; 640 NW2d 314 (2001).

The evidence showed that police officer Gary Bickley, who was part of an undercover operation, saw a man who had just attempted to open the door of Bickley's car. The man was African-American and was dressed in a black and blue jacket and black pants. When Bickley attempted to stop him, the man took off running. Bickley radioed a description of the man to other officers who were nearby, assisting in the undercover operation. Within seconds, other officers spotted a man wearing the same clothing running through a field, coming from the direction where Bickley had been stationed. The man dove into some bushes in an attempt to elude capture. Defendant was the man chased and caught by the officers. "Viewed most favorably to the prosecution, this evidence was sufficient to establish defendant's identity beyond a reasonable doubt. The credibility of the identification testimony was a matter for the

trial court, as the trier of fact, to decide. We will not resolve it anew.” *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988).

We affirm.

/s/ Richard A. Bandstra

/s/ Joel P. Hoekstra

/s/ Stephen L. Borrello