

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID AARON NUZUM,

Defendant-Appellant.

UNPUBLISHED

August 4, 2005

No. 252800

Oakland Circuit Court

LC No. 2003-188371-FH

Before: Zahra, P.J., and Gage and Murray, JJ.

MEMORANDUM.

Defendant appeals as of right from his convictions for uttering and publishing, MCL 750.249, and false pretenses of \$1,000 or more but less than \$20,000, MCL 750.218(4)(a). We affirm.

Defendant first argues that there was insufficient evidence identifying him as the person who committed the crimes. We disagree. “[W]hen reviewing sufficiency of the evidence claims, courts should view all the evidence – whether direct or circumstantial – in a light most favorable to the prosecution to determine whether the prosecution sustained its burden.” *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002). “It is for the trier of fact, not the appellate court, to determine what inferences may be fairly drawn from the evidence and to determine the weight to be accorded those inferences.” *Id.*

The evidence introduced at trial was that a man went into the bank branch where defendant’s former employer’s business checking account was located, improperly identified himself as an officer and authorized signatory of the business, requested to make a \$1,750 withdrawal, and then obtained and negotiated a counter check for cash in that amount. The man was not authorized to make the withdrawal. The trial court found, beyond a reasonable doubt, that defendant was the individual who falsely represented himself to be an authorized signatory on the account, and who obtained and negotiated the \$1,750 counter check.

Although the customer service representative’s in-court identification of defendant was suppressed, his testimony that the man used a driver’s license with defendant’s name on it during the transaction was not suppressed. Additionally, defendant’s former employer testified as a layperson that it appeared to be defendant’s signature on the check. Also, the detective in charge of the investigation testified that defendant knew, without being told, that the check was cashed for \$1,750. The trial court relied on all of the admitted evidence, inferring that only the person

who had cashed the check would know the amount for which the check was cashed, to find that defendant's identity had been proven beyond a reasonable doubt. When viewing the evidence in the light most favorable to the prosecutor, and drawing all reasonable inferences in the prosecutor's favor, we cannot say that the trial court's findings were unreasonable.

Defendant additionally argues that, even if he was the person who obtained and negotiated the check, there was insufficient evidence that he acted with the requisite intent to commit the crimes. Defendant bases this argument on the assertion that only a person attempting to obtain and cash the check while functioning under a misunderstanding, and without the requisite intent, would use his own driver's license for the transaction. Defendant has not cited any authority for this proposition, and has thereby abandoned it for purposes of appeal. *People v Davis*, 241 Mich App 697, 700; 617 NW2d 381 (2000).

Affirmed.

/s/ Brian K. Zahra

/s/ Hilda R. Gage

/s/ Christopher M. Murray