

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LORENZO COLBERT,

Defendant-Appellant.

UNPUBLISHED

August 16, 2005

No. 254486

Wayne Circuit Court

LC No. 03-007560-01

Before: Zahra, P.J., and Cavanaugh and Owens, JJ.

MEMORANDUM.

Defendant was convicted at a bench trial of assault with intent to do great bodily harm less than murder, MCL 750.84, and was sentenced to two years' probation. He appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant contends that his conviction was based on insufficient evidence because he did not intend to cause great bodily harm and his assault was a response to being choked by the complainant. This Court reviews claims regarding the sufficiency of the evidence to determine if, when viewed in a light most favorable to the prosecution, the evidence was sufficient to permit a rational trier of fact to conclude that the essential elements of the offense were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992).

The elements of assault with intent to do great bodily harm less than murder are: "(1) an assault, i.e., 'an attempt or offer with force and violence to do corporal hurt to another' coupled with (2) a specific intent to do great bodily harm less than murder." *People v Bailey*, 451 Mich 657, 668-669; 549 NW2d 325 (1996), amended 453 Mich 1204; 551 NW2d 163 (1996).

Considered in a light most favorable to the prosecution, *Wolfe, supra*, the facts showed that defendant smashed a glass into the side of the complainant's face, causing a severe and lasting injury. The severity of the complainant's facial injury was sufficient to constitute great bodily harm.

The issue presented for resolution at trial was the intent with which defendant acted. Regarding this issue, the trial court was faced with a conflict in the testimony of the two witnesses (defendant and the complainant) to the event. "[Q]uestions regarding the credibility of

the witnesses are for the trier of fact.” *People v Givans*, 227 Mich App 113, 123-124; 575 NW2d 84 (1997). The trial court took note of this credibility contest in its opinion, explained why it accepted the complainant’s version of the facts, and concluded that it did not believe defendant’s self-defense claim. “[T]his Court will not attempt to resolve credibility issues anew” and will ordinarily defer to the trier of fact’s determination of witness credibility. *People v Daoust*, 228 Mich App 1, 17; 577 NW2d 179 (1998). Viewed in a light most favorable to the prosecution, there was sufficient evidence to support defendant’s conviction.

Affirmed.

/s/ Brian K. Zahra
/s/ Mark J. Cavanagh
/s/ Donald S. Owens