

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

UNPUBLISHED  
June 16, 2011

v

DARRYL BROWN,

No. 296133  
Wayne Circuit Court  
LC No. 09-016723-FH

Defendant-Appellant.

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Before: METER, P.J., and CAVANAGH and SERVITTO, JJ.

PER CURIAM.

Defendant appeals as of right his convictions following a bench trial of assault with intent to do great bodily harm, MCL 750.84; witness intimidation, MCL 750.122; and aggravated domestic assault, MCL 750.81a. He was sentenced as a habitual fourth offender, MCL 769.12, to concurrent terms of 5 to 20 years' imprisonment on the assault with intent conviction, 3 to 15 years on the witness intimidation conviction, and 3 to 15 years on the aggravated domestic violence conviction. We affirm.

On appeal, defendant argues that there was insufficient evidence to support his witness intimidation conviction. We disagree.

Claims concerning the sufficiency of the evidence are reviewed de novo. *People v Lueth*, 253 Mich App 670, 680; 660 NW2d 322 (2002). “[W]hen determining whether sufficient evidence has been presented to sustain a conviction, a court must view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found the essential elements of the crime were proven beyond a reasonable doubt.” *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992).

MCL 750.122(3) provides that a person shall not, by threat or intimidation, “discourage or attempt to discourage any individual from attending a present or future official proceeding as a witness, testifying at a present or future official proceeding, or giving information at a present or future official proceeding.” MCL 750.122(9) further provides that the witness intimidation statute “applies . . . if the person knows or has reason to know the other person could be a witness at any official proceeding.”

In this matter, Makeata Golett testified that on May 25, 2009, defendant came home drunk to the house they shared together. When the two began to argue, Golett left the home and

went to a neighbor's home. Defendant followed her to the neighbor's and the argument continued, with defendant threatening to kill Golett. He then punched her in the back of her head, kned her in the face, and hit her with a car battery twice. Defendant told Golett that if she called "the police, I'm going to 'F' you up. And after I get through 'F'n' them up [the police], I'm going to finish what I started with you." While defendant denied making the statement or harming Golett, assessing the credibility of testimony is a matter for the trier of fact to decide, *People v Davis*, 241 Mich App 697, 700; 617 NW2d 381 (2000), and we will not interfere with the trier of fact's role in that regard. *People v Fletcher*, 260 Mich App 531, 561; 679 NW2d 127 (2004).

Further, this Court must view the evidence in a light most favorable to the prosecution in reviewing whether there was sufficient evidence to sustain a conviction. The victim's testimony at trial, when viewed in a light most favorable to the prosecution, is sufficient to establish that defendant committed the charged crimes against her and it can be inferred that defendant, as the perpetrator of the assault, either knew or had reason to know of the possibility of future judicial proceedings as a result of the assault. The evidence was also sufficient to prove that defendant threatened Golett, and he did so to discourage her from attending a future proceeding as a witness, such that his guilt was proven beyond a reasonable doubt.

In the trial court's findings of fact and conclusions of law, it quoted MCL 750.122(6) in determining that defendant was guilty of witness intimidation. The trial court also went on to explain that it found defendant's statement to Golett immediately after the incident constituted "a violation of the witness bribing, intimidating, and interfering." As the trial court also referred to the appropriate statutory language in convicting defendant, it could be argued that the trial court convicted defendant under MCL 750.122 generally. And, because sufficient evidence supported defendant's conviction, we find no error requiring reversal.

Affirmed.

/s/ Patrick M. Meter  
/s/ Mark J. Cavanagh  
/s/ Deborah A. Servitto