

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DONALD EDWARD FLYNN,

Defendant-Appellant.

UNPUBLISHED

July 21, 2011

No. 298345

Wayne Circuit Court

LC No. 10-001213-FH

Before: MURRAY, P.J., and FITZGERALD and RONAYNE KRAUSE, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of aggravated indecent exposure, MCL 750.335a(2)(b), for which he was sentenced to one year in jail. He appeals as of right, and we affirm.

Defendant, who is proceeding in propria persona on appeal, argues that because in 1986 he declared his independence as a citizen thereby severing any relationship with the state of Michigan, he was immune from prosecution because he did not consent to being prosecuted. He further argues that the trial court did not have personal or subject-matter jurisdiction because he did not consent to the court's jurisdiction and because the state's authority is limited to the regulation of commerce. Defendant's failure to cite any relevant legal authority in support of these arguments alone precludes appellate relief. *Sowels v Laborers' Int'l Union of North America*, 112 Mich App 616, 624; 317 NW2d 195 (1981). In any event, there is no merit to defendant's arguments.

The consent that is relevant in this case is the congressional consent to Michigan joining the Union on January 26, 1837. US Const, art IV, § 3; *Scott v Detroit Young Men's Society*, 1 Doug 119 (1843). Once that was given and Michigan joined the United States of America, its power to regulate criminal matters within its borders was preserved by the Constitution. See *O'Rourke v City of Norman*, 875 F2d 1465, 1469 n 10 (CA 10, 1989). And, once defendant decided to reside in Michigan, our courts were vested with jurisdiction to handle any prosecution for the violation of a criminal law occurring in this state. See *People v Blume*, 443 Mich 476,

480; 505 NW2d 843 (1993). Consequently, his attempts to avoid the criminal laws of this state back in 1986, and before the trial courts in this case, are devoid of any merit.¹

Defendant also argues that the trial court's verdict is not supported by the evidence. Defendant does not dispute that the testimony at trial, if believed, was sufficient to establish the elements of the offense. Instead, he contends that the trial court should have rejected the witnesses' testimony as incredible. "[T]he trial judge, as trier of fact, has the duty to weigh the testimony and assess the credibility of the witnesses," *People v Snell*, 118 Mich App 750, 755; 325 NW2d 563 (1982), and this Court "will not resolve credibility issues anew on appeal[.]" *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002). The complainant testified that he was riding a bicycle in the street in front of defendant's house. Defendant drew attention to himself and the complainant saw him standing in the open doorway of his house. Defendant's underwear had been lowered and defendant was fondling his exposed penis. Giving deference to the trial court's determination that the complainant's testimony was credible, the evidence was sufficient to support defendant's conviction. MCL 750.335a(1).

Defendant alludes to various other issues, including the absence of a complaint signed under penalty of perjury, the denial of various motions, violations of various constitutional rights, and lack of due diligence by the police, but his failure to address the merits of these matters or cite any supporting authority precludes appellate relief. *People v Harris*, 261 Mich App 44, 50; 680 NW2d 17 (2004). A party cannot "announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position." *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959).

Affirmed.

/s/ Christopher M. Murray
/s/ E. Thomas Fitzgerald
/s/ Amy Ronayne Krause

¹ Additionally, pursuant to statute the state has territorial jurisdiction over any criminal offense committed by a person within the state. MCL 762.2; *People v Gayheart*, 285 Mich App 202, 209-210; 776 NW2d 330 (2009). The circuit court is a court of general jurisdiction and has subject-matter jurisdiction over felony cases. *People v Lown*, 488 Mich 242, 268; 794 NW2d 9 (2011). That jurisdiction extends to attendant misdemeanor charges arising out of the same transaction. *People v Veling*, 443 Mich 23, 33-34; 504 NW2d 456 (1993). The circuit court acquired personal jurisdiction over defendant when the district court filed a return after having conducted the preliminary examination. *People v Goecke*, 457 Mich 442, 458-459; 579 NW2d 868 (1998).