

Court of Appeals, State of Michigan

ORDER

People of MI v Abduladheem Al-Mohammed

Docket No. 330833

LC No. 15-006166-AR

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Michael J. Riordan
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court orders that the December 7, 2015 Wayne Circuit Court order setting aside defendant's conviction is REVERSED, and defendant's conviction is REINSTATED. The district court's findings were adequate in the context of the specific legal and factual issues that were raised, *People v Lanzo Constr Co*, 272 Mich App 470, 479; 726 NW2d 746 (2006), which in this case, concerned credibility. The district court found that the complainant was credible, and defendant was not. Giving due regard is given to the "special opportunity of the trial court to judge the credibility of the witnesses," MCR 2.613(C), this Court concludes that the finding was not clearly erroneous. Even if the trial court erred in failing to find that venue was proper, "defendant's convictions cannot be vacated solely on grounds of improper venue." *People v Houthoofd*, 487 Mich 568, 591; 790 NW2d 315 (2010).

The motion for stay pending appeal is DENIED as moot.

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAR 10 2016

Date


Chief Clerk