

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANDREY RAMONE SMITH,

Defendant-Appellant.

UNPUBLISHED

August 30, 2002

No. 232669

Wayne Circuit Court

LC No. 99-010035

Before: White, P.J., and Hoekstra and O'Connell, JJ.

MEMORANDUM.

Defendant was convicted by jury of two counts of felonious assault, MCL 750.82, and one count of possession of a firearm during the commission of a felony, MCL 750.227b. The trial court sentenced defendant to concurrent terms of twelve to forty-eight months' imprisonment on the felonious assault convictions to be served consecutive to a two-year term of imprisonment for the felony firearm conviction. Defendant appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole argument on appeal is that the evidence presented at trial was insufficient to sustain his convictions. When determining whether sufficient evidence has been presented to sustain a conviction, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found that the essential elements of the crime were proved beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992); *People v Godbold*, 230 Mich App 508, 522; 585 NW2d 13 (1998).

Other than citing this Court to boilerplate law concerning sufficiency of the evidence, defendant's entire argument as it relates to the facts of this case is contained in the following assertion:

In the case at bar the evidence presented by the prosecutor being that the [d]efendant was in possession of the complainants' property; that the complainants entered the defendant's house without permission; and that the defendant was defending himself and his girlfriend from the complainants' when he fired the shot.

This brief and conclusory argument seems to suggest that defendant's actions in confronting the victims with a firearm and firing a shot was justified on grounds of self-defense. However, the victims' versions of the events contradict defendant's assertion on appeal. We find ample testimony on record from the victims, police officers, and defendant's girlfriend to establish the elements of the offenses for which defendant stands convicted. *Wolfe, supra*; *Godbold, supra*. This issue was one of credibility that was properly directed to the jury for resolution. *Id.* at 514-515.

Affirmed.

/s/ Helene N. White
/s/ Joel P. Hoekstra
/s/ Peter D. O'Connell