

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES CHARLES MALLOY,

Defendant-Appellant.

UNPUBLISHED
February 18, 2003

No. 235100
Oakland Circuit Court
LC No. 00-176022-FH

Before: O'Connell, P.J., and Fitzgerald and Murray, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for resisting and obstructing a police officer, MCL 750.479, failure to stop at the scene of a property accident, MCL 257.618, and OUIL, MCL 257.625. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant asserts that there was insufficient evidence to support his resisting and obstructing conviction because he did not know that the individuals who approached him were police officers. In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992).

The officers who participated in defendant's arrest testified that they were in uniform and drove marked police cars. They testified that they identified themselves as police officers when they ordered defendant to stop, and again when they asked him to get out of the truck where he was hiding. A rational finder of fact could conclude that it was proven beyond a reasonable doubt that defendant was aware he was resisting police officers that were carrying out their lawful duties.

Affirmed.

/s/ Peter D. O'Connell
/s/ E. Thomas Fitzgerald
/s/ Christopher M. Murray