

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRYANT MICHAEL DAVIS,
Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

BRYANT MICHAEL DAVIS,

Respondent-Appellant.

UNPUBLISHED

March 24, 2009

No. 283380

Wayne Circuit Court

Juvenile Division

LC No. 04-433231-DL

Before: Cavanagh, P.J., and Fort Hood and Davis, JJ.

PER CURIAM.

Respondent, a juvenile, appeals as of right an order of disposition following an adjudication of responsibility for unarmed robbery, MCL 750.530. We affirm.

Respondent's sole claim on appeal is that the evidence was insufficient to sustain the verdict. He does not challenge the evidence as it relates to the elements of the offense itself, but contends that petitioner failed to prove beyond a reasonable doubt that he was the person who committed the offense.

A challenge to the sufficiency of the evidence in a bench trial is reviewed de novo on appeal. *People v Sherman-Huffman*, 241 Mich App 264, 265; 615 NW2d 776 (2000). This Court reviews the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could have found that each element of the crime was proven beyond a reasonable doubt. *People v Harmon*, 248 Mich App 522, 524; 640 NW2d 314 (2001). Circumstantial evidence and reasonable inferences arising from the evidence are sufficient to prove the elements of a crime. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000). Identity is an essential element of a criminal prosecution, *People v Oliphant*, 399 Mich 472, 489; 250 NW2d 443 (1976), and the prosecution must identify the accused as the person who committed the offense. *People v Kern*, 6 Mich App 406, 409; 149 NW2d 216 (1967). A complainant's eyewitness testimony, if believed by the trier of fact, is sufficient to sustain a conviction. *People v Newby*, 66 Mich App 400, 405; 239 NW2d 387 (1976).

Larry Teamer positively identified respondent as the person who accosted him outside a store and grabbed his designer glasses. Although Teamer lost his glasses, he had seen the

perpetrator just moments before the offense occurred. Teamer chased the suspect into a nearby neighborhood while firing his gun at him. Teamer discontinued the foot chase, but found respondent in that area when he returned in his car a few minutes later. He recognized respondent as the person he had seen outside the store and stopped him. Respondent was wearing the same type of clothing worn by the perpetrator, and respondent later remarked to Teamer, "I should have let you shoot me," indicating that he had been the same person at whom Teamer had fired his gun. Although respondent testified that he did not commit the offense and had followed Teamer and the suspect out of curiosity, the trial court found Teamer to be the more credible witness. The credibility of witnesses and the identification testimony are matters for the trier of fact to decide. *People v Jackson*, 178 Mich App 62, 64-65; 443 NW2d 423 (1989); *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988). This Court will defer to the trial court's resolution of factual issues that involve the credibility of witnesses. *People v Cartwright*, 454 Mich 550, 555; 563 NW2d 208 (1997); *People v Martin*, 199 Mich App 124, 125; 501 NW2d 198 (1993). Viewed in a light most favorable to petitioner, the evidence was sufficient to establish respondent's identity as the person who committed the offense beyond a reasonable doubt.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Karen M. Fort Hood
/s/ Alton T. Davis