

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLIE J. LESTER,

Defendant-Appellant.

UNPUBLISHED

December 4, 1998

No. 200913

Recorder's Court

LC No. 96-006616

Before: Sawyer, P.J., and Wahls and Hoekstra, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction for carjacking, MCL 750.529a; MSA 28.797(a), and felony-firearm, MCL 750.227b; MSA 28.424(2). Defendant was sentenced as a second offense habitual offender. We affirm.

Defendant's convictions arise out of a 1996 carjacking that took place in Detroit. The two complainants identified defendant as the person who pointed a gun at them and told them to get out of their car. They were able to view their assailant at close range for a number of minutes. The complainants gave consistent descriptions of defendant at the time of the crime and subsequently identified defendant in a lineup. The trial court found that identification was the central question for trial and found no reasonable doubt that defendant was the assailant. After sentencing, the court denied defendant's motion for new trial.

On appeal, defendant asserts that his conviction is not supported by sufficient evidence and is against the great weight of the evidence. We disagree. When determining whether sufficient evidence has been presented to sustain a conviction, a 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), amended 441 Mich 1201; 489 NW2d 748 (1992). The grant or denial of a motion for new trial on the ground that the verdict is against the great weight of the evidence is a matter addressed to the sound discretion of the trial judge, whose exercise of that discretion will not be

disturbed on appeal unless a clear abuse is shown. *People v Lemmon*, 456 Mich 625; 576 NW2d 129 (1998); *Harrigan v Ford Motor Co*, 159 Mich App 776, 788; 406 NW2d 917 (1987).

Here, the evidence of the complaining witnesses was clearly sufficient to identify defendant as the person guilty of the crimes. There is no showing that the trial court abused its discretion in denying a new trial on great weight of the evidence grounds. Any inconsistency in the complainants' descriptions were minor, and do not present grounds for reversal. The evidence presented established that defendant was guilty beyond a reasonable doubt.

Affirmed.

/s/ David H. Sawyer

/s/ Myron H. Wahls

/s/ Joel P. Hoekstra