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Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-1079**

State of Minnesota,
Respondent,

vs.

Michael NMN Bridges,
Appellant.

**Filed August 11, 2009
Affirmed
Minge, Judge**

Ramsey County District Court
File No. 62-K7-07-004019

Lori Swanson, Attorney General, 1800 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101; and

Susan Gaertner, Ramsey County Attorney, Mark Nathan Lystig, Assistant County Attorney, 50 West Kellogg Boulevard, Suite 315, St. Paul, MN 55102 (for respondent)

Marie Wolf, Interim Chief Appellate Public Defender, Benjamin J. Butler, Assistant Public Defender, 540 Fairview Avenue North, Suite 300, St. Paul, MN 55104 (for appellant)

Considered and decided by Worke, Presiding Judge; Minge, Judge; and Collins,
Judge.*

* Retired judge of the district court, serving as judge of the Minnesota Court of Appeals by appointment pursuant to Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

MINGE, Judge

Appellant challenges his convictions of first-degree aggravated robbery and possession of a firearm by an ineligible person, arguing that the identifications of him were so unreliable that there was insufficient evidence to support the convictions. We affirm.

FACTS

Early on a November afternoon, St. Paul police received a report that two to four African-American were men beating a man near 782 Atlantic Street. The report was later updated that the assailants were two black males wearing black sweatshirts or t-shirts, and jeans. Within a minute, an officer arrived and saw the apparent victim walking with his hand over his mouth and saw another man, who the officer later identified as appellant, duck behind a gate after seeing the squad car. The officer drove closer to the gate, got out of his squad car, and got a “good look” at the man’s face and clothing. The man was wearing a red t-shirt and a black hooded sweatshirt with a colorful design and had braided hair. The man then ran into the back door of 782 Atlantic, and the officer radioed other officers.

About 60-90 seconds later, another officer saw a man wearing the same clothes and braids, later identified by that officer as appellant, walking out of the front of 782 Atlantic and carrying an object wrapped in a blanket, which he placed in the back of a green car. The man re-entered 782 Atlantic, and the officer was informed by an

eyewitness that the object placed in the car was a gun. The object was an AR-15 assault rifle.

The victim told the police that he had been in a car near 778 Atlantic Street when two African-American men approached the car; that one of the men had braided hair; that the man with braided hair pointed a gun at him and ordered him out of the car; that that man then pistol-whipped him, took his keys and cell phone; and that he momentarily blacked out.

At police request, the occupants of the house at 782 Atlantic were asked to come out with their hands up. Appellant was one of those persons. Both officers identified appellant as the man they had seen earlier but noticed that he had changed clothes. One officer noted that appellant was wearing the same shoes. The victim was still at the scene, and he recognized appellant as his assailant and so informed the police. Police then searched the house and located the victim's cell phone. They also found a t-shirt and hooded sweatshirt that matched the clothing previously worn by appellant.

At a bench trial, the police and the victim identified appellant consistent with the foregoing account. The district court found appellant guilty of two counts of first-degree aggravated robbery under Minn. Stat. § 609.245, subd. 1 (2006), and one count of possession of a firearm by an ineligible person under Minn. Stat. § 624.713, subd. 1(b) (2006). The district court provided written findings of fact and a written verdict. Appellant did not challenge the admissibility of the identifications. The district court made the following credibility assessment:

[The victim's] testimony was straightforward and, as to its central point, consistent. What inconsistencies there were do not lessen the weight of his main point, *i.e.*, that [appellant] robbed him at gun point and inflicted bodily harm upon him in doing so. There is no indication that [the victim] was lying or that he had an ax to grind with respect to [appellant]. He conceded those things that he did not recall, or did not know, without apparent hesitation. In like manner and for the same and similar reasons, I accept the evidence of [the two officers] identifying [appellant] as the person they saw . . . and describing his action on that day. Specifically, they both had more than an adequate opportunity to observe the person they saw outside 782 [Atlantic]. As experienced observers, their conclusions that a person is the same person they saw a few moments before is worthy of belief and considerable weight. I give that weight.

This appeal follows.

DECISION

The sole issue is whether there was sufficient evidence that appellant was an assailant in the robbery and in possession of a firearm. In claims of insufficient evidence to support a jury verdict, this court's review "is limited to a painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, [is] sufficient to permit the jurors to reach the verdict which they did." *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989). We must assume that the jury believed the state's witnesses and disbelieved any contrary evidence, *State v. Moore*, 438 N.W.2d 101, 108 (Minn. 1989), especially if resolution of the matter depends mainly on conflicting testimony, *State v. Pieschke*, 295 N.W.2d 580, 584 (Minn. 1980). "We will not disturb the verdict if the jury, acting with due regard for the presumption of innocence and for the necessity of overcoming it by proof beyond a reasonable doubt, could reasonably

conclude that [the] defendant was proven guilty of the offense charged.” *Bernhardt v. State*, 684 N.W.2d 465, 476-77 (Minn. 2004). We examine “the facts in the record and the legitimate inferences that can be drawn from those facts” to determine if a jury could have reasonably found the defendant guilty. *State v. Merrill*, 274 N.W.2d 99, 111 (Minn. 1978). “We review criminal bench trials the same as jury trials when determining whether evidence is sufficient to sustain convictions.” *State v. Hough*, 585 N.W.2d 393, 396 (Minn. 1998).

Appellant challenges the sufficiency of the identification evidence, arguing that the identifications should not be believed. The fact-finder here expressly found credible the victim’s and the two officers’ identifications. In regard to the assault, the victim identified appellant as one of the assailants both soon after the assault and at trial. This identification is corroborated by the fact that the victim’s cell phone was found with appellant near the scene soon after the assault. We conclude that this evidence was sufficient to support the identification element of the assault conviction.

In regard to the firearm charge, an officer saw appellant carrying an object later determined to be an assault rifle. The officer also identified appellant on the day of the assault and at trial. His identification was corroborated by the testimony that the police found clothes soaking in the bathtub at 782 Atlantic identical to the ones appellant had been seen wearing. The district court evaluated the officer’s credibility and believed him. We conclude this evidence was sufficient to support the identification element of this conviction.

Because a reasonable fact-finder could find the identifications of appellant were reliable and because the evidence was sufficient to support the convictions, we affirm.

Affirmed.

Dated: