

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MORRIS JAMES TAYLOR, a/k/a
LAMARR ADAMS,

Defendant-Appellant.

UNPUBLISHED

May 2, 1997

No. 190955

Wayne Circuit Court

LC No. 92-014307-FH

Before: Sawyer, P.J., and Murphy and Cavanagh, JJ.

PER CURIAM.

Defendant appeals as of right from his bench trial conviction for carrying a concealed weapon in a motor vehicle, MCL 750.227; MSA 28.424. Defendant was sentenced to three to five years in prison, to be served concurrently with a sentence he was serving on an unrelated offense. We affirm.

Defendant argues the trial court erred in finding sufficient evidence to convict him. When determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in the light most favorable to the prosecutor and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Herbert*, 444 Mich 466, 473-474; 511 NW2d 654 (1993). To convict a defendant of carrying a concealed weapon in an automobile, the prosecution must establish (1) that a weapon was in a car operated or occupied by the defendant, (2) that the defendant knew or was aware of the weapon's presence, and (3) that the defendant was "carrying" the weapon. *People v Emery*, 150 Mich App 657, 665; 389 NW2d 472 (1986); *People v Courier*, 122 Mich App 88, 90; 332 NW2d 421 (1982). Defendant does not contest the first two elements, but argues that the circumstantial evidence presented at trial did not establish the "carrying" element of the offense. We disagree.

Viewing the evidence in the light most favorable to the prosecution, the trial court could find that defendant bent over as if to put something under the front seat while leaning toward the front seat passenger as soon as the police turned on their emergency lights. With the two weapons found under the front passenger seat of defendant's car, it is reasonable to infer that defendant was aware of the

guns prior to the police turning on their emergency lights and at least assisted in trying to hide the weapons from the police. Based on the officers' testimony at trial, the court could reasonably find that defendant was "carrying" the weapons. See *People v Butler*, 413 Mich 377, 390 n 11; 319 NW2d 540 (1982); *Courier, supra* at 90-91. These facts and the inferences therefrom are sufficient to justify the trial court's finding of guilt.

Affirmed.

/s/ David H. Sawyer

/s/ William B. Murphy

/s/ Mark J. Cavanagh