STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RAUL KENWAH SHUM,

Defendant-Appellant.

UNPUBLISHED
June 13, 1997

No. 191834
Washtenaw Circuit Court
LC No. 95-004622

Before: Young, P.J., and Doctoroff and Cavanagh, JJ.

PER CURIAM.

Defendant appeals as of right his jury conviction of larceny in a building, MCL 750.360; MSA 28.592. Defendant was sentenced to one year of probation. We affirm.

On July 19, 1995, Bryan Mehaffey was working as a University of Michigan telecommunications specialist at a building on the main campus in Ann Arbor. At the time of the incident, Mehaffey was installing a computer network. He used a laptop computer to test whether the network was operating properly. Mehaffey set up the laptop in one area, and then went to another area. Within two minutes, defendant returned to find defendant "bolting" out of the building with the laptop. Mehaffey ran and caught defendant over a hundred feet away from the building. Upon defendant's apprehension, the cords were still dangling from the computer. Defendant said to Mehaffey, "Please, let me go. I'm sorry." Mehaffey brought defendant back to the building, called the police, and defendant was arrested.

Defendant claims that there was insufficient evidence to support his conviction. We disagree. To review an insufficiency of the evidence claim, this Court must consider the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could conclude that the essential elements of the crime were proven beyond a reasonable doubt. *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994); see also *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748, modified 441 Mich 1201 (1992).

The elements of larceny in a building include: (1) an actual or constructive taking of goods or property, (2) a carrying away or asportation, (3) the carrying away must be with a felonious intent, (4) the subject matter must be the goods or the personal property of another, (5) the taking must be without

the consent and against the will of the owner, and (6) the taking must be done within the confines of the building. *People v Mumford*, 171 Mich App 514, 517; 430 NW2d 770 (1988).

Defendant argues that, as an employee at that building, he took the laptop to teach a lesson to the person who left the laptop unattended. He maintains that he took the computer as a joke without intending to steal it. Defendant therefore contends that the evidence was insufficient on the element of felonious intent. However, intent may be inferred from all the facts and circumstances, *People v Safiedine*, 163 Mich App 25, 29; 414 NW2d 143 (1987), and because of the difficulty in proving the actor's state of mind, minimal circumstantial evidence showing that the defendant intended to steal is sufficient. *People v Bowers*, 136 Mich App 284, 297; 356 NW2d 618 (1984). In this case, the record is replete with evidence to sufficiently prove the element of felonious intent.

First, Mehaffey witnessed defendant running out of the building with the laptop. When defendant was caught, he was already over a hundred feet away from the building and showed no sign of returning. Therefore, an inference can be drawn that the act was done with the intent to permanently deprive Mehaffey of the computer.

Second, the evidence showed that there were some bike racks in the same direction defendant was heading, and that defendant rode his bike to work that day. Defendant admitted that it was only a fifteen-minute bike ride to his apartment. There was also a commuter bus stop nearby, and the bus route passed by defendant's residence. From this evidence, the jury could have inferred that defendant intended to transport the stolen property to his home.

Third, the prosecution presented charts showing that defendant traversed over obstacles and traveled a substantial distance. This evidence allowed the jury to infer that defendant was attempting to make his actions secret rather than playing a simple practical joke. Defendant did not take the laptop back to his work area within the building or simply place it elsewhere; instead, he quickly vacated the building with the laptop and attempted to avoid detection or apprehension.

Lastly, when defendant was apprehended by Mehaffey, he did not deny his culpability, but he apologized and pleaded for his release. This could have been seen by the jury as an admission or consciousness of guilt. Therefore, in this case, the circumstantial evidence regarding the element of intent permits reasonable inferences to sufficiently prove that element. See *People v Greenwood*, 209 Mich App 470, 472; 531 NW2d 771 (1995).

Moreover, the jury clearly did not find defendant's practical joke story to be credible. This Court should not interfere with the jury's role of determining the weight of evidence or the credibility of witnesses. *Wolfe, supra* at 514. Also, the prosecution need not negate every reasonable theory of innocence, but must only prove its own theory beyond a reasonable doubt in the face of whatever contradictory evidence the defendant provides. *People v Quinn*, 219 Mich App 571, 574; 557 NW2d 151 (1996). We find that the prosecution presented sufficient evidence to prove the element of intent beyond a reasonable doubt.

Affirmed.

/s/ Martin M. Doctoroff
/s/ Mark J. Cavanagh
/s/ Robert P. Young, Jr.