

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ERIC BRUCE OLDHAM,

Defendant-Appellant.

UNPUBLISHED

January 22, 1999

No. 202851

Macomb Circuit Court

LC No. 96-001935 FH

Before: Kelly, P.J., and Hood and Markey, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of breaking and entering a building with the intent to commit a larceny therein, MCL 750.110; MSA 28.305, receiving and concealing stolen property in excess of \$100, MCL 750.535; MSA 28.803, fleeing a police officer, MCL 750.479; MSA 28.747, and resisting and obstructing a police officer, MCL 750.479a; MSA 28.747(1). Defendant was subsequently sentenced to two to ten years' imprisonment on the breaking and entering conviction, two to five years' imprisonment on the receiving and concealing conviction, 284 days in Macomb County Jail for the fleeing an officer conviction, and 284 days in Macomb County Jail for the resisting and obstructing conviction. The sentences were to run concurrent with one another. Defendant now appeals as of right. We affirm.

On appeal, defendant first challenges his breaking and entering conviction on the basis that the only evidence identifying him as the perpetrator was the fingerprints submitted at trial, and that, alone, was an insufficient basis on which to find him guilty. He claims that apart from the fingerprint evidence, there was insufficient evidence to identify him as the perpetrator of the offense, and therefore, his conviction should be reversed. We disagree.

After review of the record and issues and arguments presented by defendant, we find no error requiring reversal. The jury was not asked to convict defendant solely on the basis of finger

print evidence. See *People v Hill*, 34 Mich App 669; 192 NW2d 84 (1971).

Affirmed.

/s/ Michael J. Kelly

/s/ Harold Hood

/s/ Jane E. Markey