

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ARTHUR J. HUGHES,

Defendant-Appellant.

UNPUBLISHED

April 2, 1999

No. 201640

Wayne County Circuit Court

LC No. 96-005744

Before: McDonald, P.J., and Hood and Doctoroff, JJ.

MEMORANDUM.

Defendant appeals by right his bench trial conviction of receiving and concealing stolen property valued over \$100, MCL 750.535(1); MSA 28.801(1), for which he was sentenced to a three-year term of probation and ordered to pay \$50,000 in restitution. We affirm.

On appeal, defendant argues that the trial court's finding of guilt is clearly erroneous because no stolen property was found in defendant's immediate possession and the fact that much of the stolen property was never recovered clearly shows that someone else was involved. We disagree.

When reviewing the sufficiency of the evidence following a bench trial, this Court must view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994). Circumstantial evidence, and reasonable inferences arising from the evidence, may constitute satisfactory proof of the elements of the offense. *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995). 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).

Here, as noted by the trial court, defendant was caught virtually "red-handed." According to the police officer who arrested defendant, defendant was the only person in the immediate vicinity of the computer tower he saw flying through the air and the other various items of office equipment he found in the bushes nearby. The trial court's finding that it was defendant who tossed the computer tower in the air is a reasonable inference drawn from the circumstantial evidence. That there may have been

someone else involved, as noted by the trial court, does not negate the evidence of defendant's own involvement. Viewing the evidence in a light most favorable to the prosecution, the evidence is not insufficient to sustain defendant's conviction and the trial court's finding of guilt is not clearly erroneous.

We also reject defendant's challenge to the trial court's imposition of restitution. A sentencing court may order a defendant to pay restitution to compensate for all losses attributable to the illegal "course of conduct" that culminated in his conviction, including losses that were not the factual foundation of the charge that resulted in conviction. Here, the trial court essentially concluded that the loss of \$50,000 hardware and software was part of the illegal course of conduct in which defendant was involved and which culminated in his conviction, noting that defendant was "part and parcel" of the crime that occurred. We are unpersuaded that the trial court's ruling is erroneous or that defendant's sentence is disproportionate.

Affirmed.

/s/ Gary R. McDonald

/s/ Harold Hood

/s/ Martin M. Doctoroff