

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ABDUL KAREEM MUHAMMAD,

Defendant-Appellant.

UNPUBLISHED

August 10, 1999

No. 205399

Wayne Circuit Court - Criminal
Division

LC No. 97-501021

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

MEMORANDUM.

Defendant appeals as of right from his bench trial conviction of receiving and concealing stolen property over \$100, MCL 750.535; MSA 28.803. Defendant was placed on probation. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first argues that there was insufficient evidence adduced at trial to support his conviction. We disagree. In determining whether the evidence is sufficient, we “view the evidence in a light most favorable and 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). “A prosecutor need not negate every reasonable theory of innocence, but must prove his 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).

After reviewing the record, we conclude that there is sufficient evidence to support defendant’s conviction. The police found defendant crouched down in the driver’s seat of the stolen vehicle. The ignition on the steering column of the vehicle was damaged in a manner consistent with someone having attempted to start the vehicle by using a tool such as a screwdriver. Defendant did in fact have a screwdriver on his person at the time of his arrest. Further, defendant attempted to flee when the police

* Circuit judge, sitting on the Court of Appeals by assignment.

arrived. We believe this evidence, combined with the lack of a reasonable excuse for defendant's entering the vehicle in the first place, constitutes sufficient support for the determination that defendant possessed the vehicle with the intent to deprive the owner of possession. See, e.g., *People v Brewer*, 60 Mich App 517, 522; 231 NW2d 375 (1975); *United States v Williams*, 503 F2d 480, 484 (CA 8, 1974).

Defendant also argues that he received ineffective assistance of counsel. Again, we disagree. Defendant's arguments is based on the assertion that defense counsel should have explored the viability of an incompetency defense. However, the record is devoid of any indication that defendant lacked the requisite mental competency at the time of the offense or at trial. In fact, defendant's own testimony at trial suggests the opposite. Accordingly, we are unpersuaded that defense counsel's performance was deficient or that defendant was prejudiced as a result of defense counsel's failure to raise the issue of competency. See *People v Pickens*, 446 Mich 298, 327; 521 NW2d 797 (1994); *People v Johnson (On Rehearing)*, 208 Mich App 137, 142; 526 NW2d 617 (1994).

Affirmed.

/s/ David H. Sawyer
/s/ Donald E. Holbrook, Jr.
/s/ William E. Collette