

STATE OF MICHIGAN
COURT OF APPEALS

In re JEREMIAH MATTHEWS.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JEREMIAH MATTHEWS,

Defendant-Appellant.

UNPUBLISHED

September 10, 1999

No. 211414

Wayne Probate Court

Juvenile Division

LC No. 97-354570

Before: Markman, P.J., and Saad and P.D. Houk,* JJ.

PER CURIAM.

Defendant appeals as of right from his convictions of attempt unlawfully driving away an automobile, MCL 750.413; MSA 28.645; MCL 750.92; MSA 28.287, and malicious destruction of property over \$100, MCL 750.377a; MSA 28.609(1). We affirm.

Defendant (DOB 9-20-82) was charged with attempt unlawfully driving away an automobile (UDAA) and malicious destruction of property. At the delinquency adjudication, complainant testified that he heard car alarms sounding. He looked out the window and saw a person inside his car. The person left the car and fled down the street. Complainant pursued the person, identified as defendant, who ran to his own home. Defendant was apprehended at this home. Complainant testified that his car's ignition had been damaged, and that the repair bill totaled \$135. Complainant stated that he did not give defendant permission to be in his car.

The court found defendant guilty as charged. Subsequently, the court committed defendant to the Family Independence Agency.

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

When reviewing a challenge to the sufficiency of the evidence in a bench trial, we view the evidence presented in a light most favorable to the prosecution, and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable

doubt. The trier of fact may make reasonable inferences from evidence in the record, but may not make inferences completely unsupported by any direct or circumstantial evidence. *People v Petrella*, 424 Mich 221, 268-270, 275; 380 NW2d 11 (1985); *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

The elements of the offense of UDAA are: (1) possession of a vehicle; (2) driving the vehicle away; (3) that the act is done wilfully; and (4) the possession and driving away must be done without authority or permission. *People v Hendricks*, 200 Mich App 68, 71; 503 NW2d 689 (1993). No intent to deprive the owner of the vehicle permanently need be shown. *People v Hendricks*, 446 Mich 435, 449; 521 NW2d 546 (1994). An attempt consists of: (1) an intent to do an act or to bring about certain consequences which would amount to a crime; and (2) an act in furtherance of that intent which goes beyond mere preparation. *People v Jones*, 443 Mich 88, 100; 504 NW2d 158 (1993).

The elements of the offense of malicious destruction of property over \$100 are: (1) that the property belonged to someone else; (2) that defendant destroyed or damaged the property; (3) that defendant committed the act knowing that it was wrong, without just cause or excuse, and with the intent to destroy or damage the property; and (4) that the extent of the damage was over \$100. *People v Hamblin*, 224 Mich App 87, 92; 568 NW2d 339 (1997).

Defendant argues that the evidence produced was insufficient to support his convictions. We disagree and affirm. Complainant identified defendant as the person he observed inside his car. Complainant did not give defendant permission to be inside his car. The evidence that the window of complainant's car had been broken and that the ignition had been damaged supported an inference that defendant manipulated the ignition in an attempt to start complainant's car to drive it away. The act of manipulating the ignition was an act in furtherance of defendant's intent to deprive complainant of the vehicle. Viewed in a light most favorable to the prosecution, the evidence is sufficient to support defendant's convictions. *Petrella, supra; Vaughn, supra*.

Affirmed.

/s/ Stephen J. Markman
/s/ Henry William Saad
/s/ Peter D. Houk