

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHRISTOPHER STRONG,

Defendant-Appellant.

UNPUBLISHED

February 8, 2000

No. 209525

Wayne Circuit Court

LC No. 97-004388

Before: O'Connell, P.J., and Meter and T. G. Hicks*, JJ.

PER CURIAM.

Defendant appeals as of right from his conviction of receiving or concealing stolen property over \$100, MCL 750.535; MSA 28.803, entered after a bench trial. Defendant was sentenced to two and one-half to five years' imprisonment. We affirm.

A shop was broken into, and several antique pictures were stolen, valued at a total of \$300. The shop owner described the pictures to the police, who encountered defendant within one block of the shop. Defendant unsuccessfully attempted to flee from the police, and he was carrying antique pictures matching the descriptions of those taken from the shop.

The trial court acquitted defendant of the principal charge of breaking and entering a building with intent to commit larceny, MCL 750.110; MSA 28.305, but convicted him of the lesser included offense of receiving or concealing stolen property over \$100. The court noted that uncontradicted evidence placed defendant in possession of pictures taken from the shop. Defendant appeals, claiming that the trial court's factual findings were clearly erroneous.

We reject defendant's contention that the trial court's factual findings were clearly erroneous. In a bench trial, the court must make findings of fact and state separately its conclusions of law. MCR 6.403. We review a trial court's findings of fact for clear error. MCR 2.613(C); *People v Everard*, 225 Mich App 455, 458; 571 NW2d 536 (1997). However, defendant has not articulated which of the trial court's factual findings were erroneous. A defendant may not merely announce a position on

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

appeal and leave it to this Court to discover and

rationalize the basis for that position. *People v Kelly*, 231 Mich App 627, 640-641; 588 NW2d 480 (1998).

Defendant also claims that his conviction was against the great weight of the evidence. However, this claim is not preserved for appellate review because defendant failed to move for a new trial, and we see no miscarriage of justice resulting from our failure to review this claim. *People v Noble*, ___ Mich App ___; ___ NW2d ___ (Docket No. 206833, issued 12/03/1999), slip op at 5.

To the extent that defendant's claim is a poorly styled challenge to the sufficiency of the evidence, we conclude that the evidence, when viewed in the light most favorable to the prosecutor, was sufficient to allow a rational trier of fact to conclude that the essential elements of the crime were proved beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748, amended 441 Mich 1201 (1992).

The elements of receiving or concealing stolen property over \$100 are that: (1) the property was stolen; (2) the defendant received or concealed the stolen property with knowledge that it was stolen; and (3) the property had a value over \$100. *People v Adams*, 202 Mich App 385, 390; 509 NW2d 530 (1993). The defendant's knowledge that the property was stolen may be actual or constructive. *People v Ainsworth*, 197 Mich App 321, 324; 495 NW2d 177 (1992).

In this case, evidence was presented to prove each element. Unrefuted evidence showed that pictures valued at \$300 were taken from a shop. Shortly after the break-in occurred, defendant was found in possession of the pictures. Defendant's attempt to flee from the police demonstrate at least constructive knowledge that the pictures were stolen. Viewed in the light most favorable to the prosecutor, the evidence was sufficient to support defendant's conviction.

Finally, defendant challenges the proportionality of his sentence. However, defendant has waived this issue by failing to specify how his sentence is disproportionate. *People v Hill*, 221 Mich App 391, 397; 561 NW2d 862 (1997).

Affirmed.

/s/ Peter D. O'Connell

/s/ Patrick M. Meter

/s/ Timothy G. Hicks