

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WINFRED E. GAMBLE,

Defendant-Appellant.

UNPUBLISHED

February 25, 2000

No. 211363

Wayne Circuit Court

LC No. 97-009442

Before: Holbrook, Jr., P.J., and Kelly and Collins, JJ.

PER CURIAM.

Defendant appeals as of right from his bench trial convictions for three counts of receiving and concealing stolen property in excess of \$100, MCL 750.535; MSA 28.803. Defendant was sentenced to three years' probation, the first year to be served in the Wayne County Jail. We affirm.

During the evening of November 2, 1997, two Detroit police officers approached a home located in the City of Detroit. The police had revived information that at least one and perhaps several stolen vehicles were at this location. One of the two officers spotted defendant in the backyard of the residence removing the battery from a white 1986 Pontiac 6000. A black 1985 Buick Rivera and a gray 1990 Oldsmobile 98 were also in the backyard. The VIN numbers on the vehicles matched the numbers of cars reported stolen. In his statement to the police, defendant admitted knowing that all three of the vehicles were stolen.

Defendant first argues that there was insufficient evidence to convict him of the two counts of receiving and concealing stolen property that involved the Buick Rivera and the Oldsmobile 98. Specifically, defendant contends that, while he arguably possessed the Pontiac 6000, he did not possess the other two vehicles and, as such, cannot be convicted of the other two counts of receiving and concealing. We disagree. "When reviewing the sufficiency of the evidence in a criminal case, this Court must view the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could find that each element of the crime was proved beyond a reasonable doubt." *People v Griffin*, 235 Mich App 27, 31; 597 NW2d 176 (1999). "Circumstantial evidence and reasonable inferences arising from that evidence can constitute satisfactory proof of the elements of a crime." *People v Allen*, 201 Mich App 98, 100; 505 NW2d 869 (1993).

Viewed in a light most favorable to the prosecution, we believe the evidence presented at trial was sufficient to support the conclusion that defendant aided and abetted in possessing the two stolen vehicles. The cars had stripped steering columns, and the driver's side windows of each had been smashed. Defendant admitted in his statement to police that he knew that the cars had been stolen because of this damage. Nevertheless, he chose to assist with the repair of the Buick Rivera by replacing its battery with one taken from the Pontiac 6000. Therefore, we see no error requiring reversal. See *People v Toodle*, 155 Mich App 539, 553; 400 NW2d 670 (1986); *People v Botzen*, 151 Mich App 561, 564; 391 NW2d 410 (1986).

Defendant next argues that his jury trial waiver was not voluntarily and knowingly made because it was accepted by a judge different from the one who ultimately presided over his bench trial. However, defendant's failure to cite any case law supporting this argument means that the issue has been abandoned. *People v DiVietri*, 206 Mich App 61, 65; 520 NW2d 643 (1994). In any event, we are unpersuaded by defendant's argument. A criminal defendant has a constitutionally protected right to a jury trial, not to a trial before a specific trial court. Furthermore, after reviewing the record of defendant's waiver hearing, we conclude defendant's waiver to be voluntarily and knowingly made. See *People v Shields*, 200 Mich App 554, 560-561; 504 NW2d 711 (1993).

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Kelly

/s/ Jeffrey G. Collins