

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff- Appellee,

v

BARBARA BENNETT,

Defendant- Appellant.

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UNPUBLISHED

April 21, 2000

No. 210039

Wayne Circuit Court

Criminal Division

LC No. 97-003961

Before: Gribbs, P.J., and Doctoroff and T.L. Ludington\*, JJ.

PER CURIAM.

Defendant appeals as of right from her convictions of armed robbery, MCL 750.529; MSA 28.797, and carjacking, MCL 750.529a; MSA 28.797(a), entered after a bench trial. We affirm.

At trial, complainant testified that he drove defendant and a person known as Petro to a location where Petro purchased crack cocaine. Subsequently, defendant and Petro forced complainant from the car, took his jacket, wallet, and watch, forced him back into the car, and drove away. At one point, defendant pointed a knife at complainant and demanded money.

The trial court found defendant guilty as charged. The court found defendant's testimony to be credible.

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).

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

In a bench trial, the court must make findings of fact and state separately its conclusions of law. MCR 6.403. Findings are sufficient if it appears that the court was aware of the issues and correctly applied the law. *People v Smith*, 211 Mich App 233, 235; 535 NW2d 248 (1995). We review a trial court's findings of fact for clear error. MCR 2.613(C); *People v Hermiz*, 235 Mich App 248, 255; 597 NW2d 218 (1999).

A person who, by force or violence or threat thereof, or by putting in fear, robs, steals, or takes a motor vehicle from another person, in the presence of that person, a passenger, or anyone in lawful possession of the vehicle, is guilty of carjacking. MCL 750.529a; MSA 28.797(a); *People v Parker*, 230 Mich App 337, 343; 584 NW2d 336 (1998). To establish aiding and abetting, the prosecution must show: (1) that the crime was committed by the defendant or by some other person; (2) that the defendant performed acts or gave encouragement that assisted the commission of the crime; and (3) that the defendant intended the commission of the crime or had knowledge that the principal intended its commission at the time he gave aid and encouragement. *People v Carines*, 460 Mich 750, 757-758; 597 NW2d 130 (1999), reh den 461 Mich 1205 (1999).

Defendant argues that the evidence was insufficient to support her conviction of carjacking as an aider and abettor. We disagree. She does not contend that Petro did not commit the crime of carjacking. Defendant denied assisting in the commission of the crime; however, the trial court, as trier of fact, was entitled to find that complainant's testimony, rather than that given by defendant, was worthy of belief. *People v Marji*, 180 Mich App 525, 542; 447 NW2d 835 (1989). Complainant's testimony established that defendant assisted in forcing complainant from his car, suggested taking various items from his person, and then helped to force him to return to the car. From this evidence the trier of fact could find that defendant performed acts which aided in the commission of a crime she knew the principal intended to commit. *Carines, supra*; *Vaughn, supra*. The state of mind of an aider and abettor may be inferred from all the facts and circumstances. *People v Turner*, 213 Mich App 558, 567; 540 NW2d 728 (1995). Viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction of carjacking. *Petrella, supra*.

The elements of armed robbery are: (1) an assault; (2) a felonious taking of property from the victim's person or presence; (3) while the defendant is armed with a weapon described in the statute. *Carines, supra*, 757.

Defendant argues that the evidence was insufficient to support her conviction of armed robbery, for the reason that complainant's testimony was not credible in light of the fact that he had smoked crack cocaine on the day in question. We disagree. Complainant's testimony, which the court was entitled to find credible, *Marji, supra*, established that defendant, while armed with

a knife, took money from complainant. Viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction of armed robbery. *Petrella, supra*.

Affirmed.

/s/ Roman S. Gibbs

/s/ Martin M. Doctoroff

/s/ Thomas L. Ludington