

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SANCHEZ FLETCHER,

Defendant-Appellant.

UNPUBLISHED

May 19, 2000

No. 212120

Wayne Circuit Court

Criminal Division

LC No. 97-006802

Before: McDonald, P.J., and Gage and Talbot, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of malicious destruction of personal property over \$100 as an aider and abetter, MCL 750.377a; MSA 28.609(1). He was sentenced to two years' probation, including boot camp.¹ Defendant appeals as of right. We affirm.

Defendant argues that the trial court erred in denying his motion for a directed verdict of acquittal because there was insufficient evidence to establish that he was present during the crime. We disagree. "A directed verdict of acquittal is appropriate only if, considering all the evidence in the light most favorable to the prosecution, no rational trier of fact could find that the essential elements of the crime charged were proven beyond a reasonable doubt." *People v Mehall*, 454 Mich 1, 6; 557 NW2d 110 (1997). Circumstantial evidence and reasonable inferences may be sufficient to prove the elements of the crime. *People v Crawford*, 232 Mich App 608, 616; 591 NW2d 669 (1998).

A conviction for malicious destruction of property over \$100 requires proof that property of another was destroyed or injured, the damage resulting from the injury exceeded \$100, and the specific intent to injure or destroy the property. MCL 750.377a; MSA 28.609(1); *People v Ewing*, 127 Mich App 582, 584-585; 339 NW2d 228 (1983). One who procures, counsels, aids, or abets in the commission of an offense may be convicted and punished as if he directly committed the offense. MCL 767.39; MSA 28.979; *People v Turner*, 213 Mich App 558, 568; 540 NW2d 728 (1995). To establish that a defendant aided and abetted a crime, the prosecutor must establish that (1) the crime charged was committed by the defendant or some other person, (2) the defendant performed acts or gave encouragement that assisted the commission of the crime, and (3) the defendant intended the commission of the crime or knew the principal intended its commission at the time he gave aid and

encouragement. *Id.* An actor's state of mind may be inferred from evidence of flight after the crime. *Id.* at 568-569.

In the present case, a witness saw three individuals in a white van drive by and "shoot out" the windows of two cars parked in the street. Less than two hours later, the van sped back down the street as it was being chased by the police, and ultimately crashed into a median. Three occupants, one of whom was identified as defendant, fled from the van. The complainant grabbed codefendant who admitted that she was in the van when complainant's car windows were shattered. A police officer apprehended another assailant who was carrying a loaded BB gun, and found a canister of pellets inside the van. A witness also testified that three days before the incident she saw defendant driving the same van with codefendant and that the two had a verbal altercation with complainant. Viewed in a light most favorable to the prosecution, we conclude that this circumstantial evidence was sufficient to enable a rational trier of fact to infer beyond a reasonable doubt that defendant aided and abetted the malicious destruction of property. To the extent defendant argues that witnesses gave conflicting or incredible testimony, issues concerning the weight of the evidence and witness credibility are appropriately left for the trier of fact and will not be resolved anew by this Court. *People v Avant*, 235 Mich App 499, 506; 597 NW2d 864 (1999); *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Consequently, the trial court did not err in denying defendant's motion for a directed verdict of acquittal.

Affirmed.

/s/ Gary R. McDonald

/s/ Hilda R. Gage

/s/ Michael J. Talbot

¹ Defendant was later sentenced to one to two years' imprisonment for violating the terms of his probation.