

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES DEWEY LEGGETT,

Defendant-Appellant.

UNPUBLISHED

August 11, 2000

No. 219847

Livingston Circuit Court

LC No. 99-010833-FH

Before: Murphy, P.J., and Kelly and Talbot, JJ.

PER CURIAM.

Defendant appeals as of right from his conviction of carrying a concealed weapon in a vehicle, MCL 750.227; MSA 28.424, entered after a bench trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

A deputy sheriff discovered defendant sleeping in his truck, which was parked by the side of the road. A LEIN search revealed an outstanding warrant for defendant's arrest. Defendant was arrested and the truck, which was registered to defendant, was impounded. The deputy performed an inventory search of the truck, and discovered a pistol. The pistol had been placed on top of a pile of clothing on the passenger seat, and a jacket had been placed over the pistol. The pistol had been within defendant's reach. The trial court found defendant guilty as charged, concluding that because defendant was on a lengthy trip, it was reasonable to infer that he knew that the pistol was in the vehicle, and had placed it within his reach.

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).

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), aff'd ___ Mich ___; 611 NW2d 783 (2000).

To establish that defendant was guilty of the charged offense, plaintiff was required to prove: (1) that the pistol was in a vehicle occupied by defendant; (2) that defendant knew that the pistol was in the vehicle; and (3) that defendant took part in carrying or keeping the pistol in the vehicle. CJI2d 11.1. Carrying a concealed weapon is a general intent crime. The only intent necessary is that needed to do the prohibited act, i.e., to knowingly carry the weapon in a vehicle. *People v Combs*, 160 Mich App 666, 673; 408 NW2d 420 (1987).

Defendant argues that the evidence was insufficient to support his conviction. We disagree and affirm. To be guilty of the offense of carrying a concealed weapon, a person must knowingly participate in the carrying of the weapon. Mere presence in a vehicle, with knowledge that a weapon is located in the vehicle, is not sufficient. *People v Courier*, 122 Mich App 88, 90; 332 NW2d 421 (1982); *People v Stone*, 100 Mich App 24, 29; 298 NW2d 607 (1980). The evidence presented by the prosecution established that defendant was the sole occupant of a vehicle registered to him. A pistol containing a full magazine was found on the passenger seat. The pistol was located on top of a pile of clothing, with a jacket covering it. This evidence supported an inference that defendant had knowledge that the pistol was in the vehicle. *People v Crawford*, 232 Mich App 608, 615-616; 591 NW2d 669 (1998). The evidence that the pistol was in a location easily accessible to defendant supported an inference that defendant was carrying the pistol. *Courier, supra*, 90-91. Viewed in a light most favorable to plaintiff, the evidence was sufficient to support defendant's conviction of carrying a concealed weapon. *Petrella, supra*.

Affirmed.

/s/ William B. Murphy
/s/ Michael J. Kelly
/s/ Michael J. Talbot