

STATE OF MICHIGAN
COURT OF APPEALS

In re JOHN ROBERT O'CONNOR, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN ROBERT O'CONNOR,

Defendant-Appellant.

UNPUBLISHED

February 23, 2001

No. 220127

Macomb Circuit Court

Family Division

LC No. 96-043530

Before: Meter, P.J., and Neff and O'Connell, 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. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant (DOB 8-13-82) was charged as a juvenile with receiving or concealing stolen property in connection with the theft of a bicycle. At the adjudication hearing, complainant testified that he owned a unique bicycle. Defendant rode the bicycle and admired it. Several days later, the bicycle was stolen from complainant's school. Complainant and his father went to defendant's residence, and saw the bicycle in the garage. The serial number on the bicycle in defendant's garage matched the number in complainant's owner's manual, with the exception of the last number, which was very lightly stamped on the bicycle and not recorded in the manual. In addition, the bicycle in defendant's possession had characteristics (scratches in specific places, worn handgrips, etc.) that matched the description in a report given to complainant's school. The police took possession of the bicycle.

The referee found defendant guilty of receiving or concealing stolen property over \$100. The referee found that the evidence showed that a bicycle owned by complainant and valued at \$330 was stolen and shortly thereafter found in defendant's possession. The referee inferred defendant's guilty knowledge from the evidence that defendant, who had purchased bicycles in the past, maintained that he purchased the bicycle for only \$50. The family court placed defendant on probation.

When reviewing a challenge to the sufficiency of the evidence in a bench trial, we view the evidence presented in the 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).

The elements of receiving or concealing stolen property over \$100 are that: (1) the property was stolen; (2) the property had a fair market value exceeding \$100; (3) the defendant bought, received, possessed, or concealed the property with knowledge that the property was stolen; and (4) the property was identified as being previously stolen.¹ *People v Gow*, 203 Mich App 94, 96; 512 NW2d 34 (1993).

Defendant argues that the evidence produced was insufficient to support his conviction. We disagree. Complainant's bicycle, purchased less than one year earlier for \$330, was stolen three days after defendant admired it. Shortly thereafter, defendant was found in possession of a bicycle matching the description of the bicycle stolen from complainant. Defendant represented that he purchased the bicycle for \$50; however, the evidence showed that defendant was an experienced purchaser of bicycles, and had some knowledge of their value. Defendant's possession of the bicycle shortly after it was stolen, and the lack of any reasonable explanation for defendant's possession of the property, supported an inference that defendant knew that the property was stolen. *People v Salata*, 79 Mich App 415, 421-422; 262 NW2d 844 (1977). Viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction of receiving or concealing stolen property.

Affirmed.

/s/ Patrick M. Meter
/s/ Janet T. Neff
/s/ Peter D. O'Connell

¹ Defendant was charged under the version of MCL 750.535; MSA 28.803 in effect prior to January 1, 1999. Effective January 1, 1999, 1998 PA 311 amended MCL 750.535; MSA 28.803 to create a new statutory scheme of felonies and misdemeanors based on the value of the property stolen.