

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ISMAIL HASSAN,

Defendant-Appellant.

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UNPUBLISHED

June 5, 2001

No. 221482

Macomb Circuit Court

LC No. 97-002744-FH

Before: McDonald, P.J., and Smolenski and K. F. Kelly, JJ.

PER CURIAM.

Defendant appeals as of right from a conviction of obtaining money by false pretenses, MCL 750.218; MSA 28.415, for which he was sentenced to three years' probation. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant contends that the evidence was insufficient to support the conviction. In reviewing the sufficiency of the evidence in a criminal case, this Court must review the record de novo and, viewing the evidence in a light most favorable to the prosecution, determine whether a rational trier of fact could find that the essential elements of the crime were proved beyond a reasonable doubt. *People v Hoffman*, 225 Mich App 103, 111; 570 NW2d 146 (1997); *People v Hammons*, 210 Mich App 554, 556; 534 NW2d 183 (1995). Circumstantial evidence and reasonable inferences drawn therefrom may be sufficient to prove the elements of the crime. *People v Gould*, 225 Mich App 79, 86; 570 NW2d 140 (1997). All conflicts in the evidence are to be resolved in favor of the prosecution. *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

Defendant was convicted of aiding and abetting Judith Ann Seggie, an insurance adjuster. The elements that must be proved to convict the defendant as an aider and abettor are "(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 had knowledge that the principal intended its commission at the time he gave aid and encouragement," and the defendant's "state of mind may be inferred from all the facts and circumstances" of the case. *People v Turner*, 213 Mich App 558, 568; 540 NW2d 728 (1995). "The term 'aiding and abetting' includes all forms of assistance. The term comprehends 'all words or deeds which may support, encourage, or incite

the commission of the crime.’ The amount of aid or advice is immaterial so long as it had the effect of inducing the crime.” *People v Usher*, 121 Mich App 345, 350; 328 NW2d 628 (1982) (citations omitted).

There is no dispute that Seggie committed the crime of larceny by false pretenses. She falsely reported that the hood and right fender of defendant’s car had been damaged in the collision to inflate the amount AAA would pay on the claim and AAA, which relied on the damage report, paid out an extra \$182 to which defendant was not entitled. *People v Shively*, 230 Mich App 626, 631; 584 NW2d 740 (1998). Seggie was part of an insurance fraud scheme in which defendant’s brother was involved. Defendant had a collision but did not file a police report. Defendant’s brother steered him to Seggie. Defendant, who lived in Ann Arbor, would have no reason to go out of his way to submit the claim to a Warren office and take his car there for inspection unless he expected to get something out of it that an adjuster closer to home would not provide. Therefore, one could reasonably infer that defendant knew that Seggie was involved in insurance fraud. By taking his car to her for the estimate, he aided her in committing that fraud from which he received an extra \$182 in payment. Such evidence, if believed, was sufficient to enable a rational trier of fact to conclude beyond a reasonable doubt that each element of the crime charged had been proved. Therefore, the trial court properly submitted the case to the jury and did not abuse its discretion in denying defendant’s motion for a new trial or judgment of acquittal. *People v Lemmon*, 456 Mich 625, 627; 576 NW2d 129 (1998); *People v Leonard*, 224 Mich App 569, 580; 569 NW2d 663 (1997).

Affirmed.

/s/ Gary R. McDonald  
/s/ Michael R. Smolenski  
/s/ Kirsten Frank Kelly