STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED August 17, 2001
v	No. 221302 Wayne Circuit Court
EUGENE J. HABICH, Defendant-Appellant.	LC No. 98-007872

Before: Doctoroff, P.J., and Murphy and Zahra, JJ.

PER CURIAM.

Defendant appeals as of right his conviction after a bench trial for receiving and concealing stolen property over the value of $100, specifically, a 1970 Camaro, in violation of MCL 750.535, and for concealing or misrepresenting the identity of the same motor vehicle in violation of MCL 750.415. We affirm.

Defendant first argues that there was insufficient evidence to sustain his conviction beyond a reasonable doubt for the receipt and concealment of stolen property over the value of $100. Defendant claims that there was insufficient evidence that the vehicle was stolen and that defendant knew it to be stolen. We disagree.

We examine this question de novo to determine whether, when the evidence is viewed in the light most favorable to plaintiff, the trial court could have found all the elements of the charged crime to have been proven beyond a reasonable doubt. *People v Sherman-Huffman*, 241 Mich App 264, 265; 615 NW2d 776 (2000). We give particular deference to determinations by the trial court of witness credibility, given its opportunity to observe the witnesses, and do not reverse such findings unless clearly erroneous. *People v Cyr*, 113 Mich App 213, 222; 317 NW2d 857 (1982).

Although as the trial court noted, this case hinged largely on circumstantial evidence and inferences made from it, such evidence can constitute satisfactory proof of the elements of a crime. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999). Here, there was satisfactory proof of all the elements of the charged offense. The owner of the allegedly stolen car testified about the theft. Defendant raised certain questions regarding the witness' credibility; however, these determinations were for the trial court to make. *Cyr*, *supra* at 222.

There was also evidence from which to infer defendant's knowledge that the vehicle had been stolen. The officer who first investigated the case testified that the federal sticker was missing from the car and that the vehicle identification number (VIN) plate on the dashboard appeared to have been tampered with. A car identification expert who examined the car, and whose expert credentials were stipulated by both parties, testified as well that the VIN plate had been substituted. The substituted plate was for another car of the same make but a different year than the car that defendant purchased. The expert said he could identify no other parts from that year in the car.

Defendant suggests that the expert was mistaken, pointing to an error in the expert's testimony regarding how the rivets for a VIN plate are installed in the car in question. However, this sort of credibility question is in the province of the trial court. *Cyr*, *supra* at 222. Moreover, the expert also testified that the wrong sort of rivets were used and that the plate was simply for the wrong year. In addition, the original investigating officer testified that the VIN plate appeared to have been altered because it was scratched and off-center, and also stated that the car was missing its federal sticker. Defendant countered this testimony with the argument that the car was rebuilt, citing evidence that the car from which defendant obtained the VIN plate was not operational. However, this car was from a different year, and the expert said he found no other parts from that year in the car, weakening if not refuting this theory.

Moreover, there was also evidence of other acts on defendant's part suggesting that he had knowledge that the car was stolen. Defendant approached the person who had sold him the car from which the VIN plate was taken, and this witness reported that it was his impression that defendant wanted him to shade his testimony in a way that might have been misleading. In addition, when defendant was first confronted by the police officer, he said that his grandmother bought the car for him in 1992, which could hardly have been the case when the car was not stolen from its owner until 1993. This statement was further evidence that defendant was aware that it was not in his interest for the true origin of the car to have been known, and tried to conceal its identity. The trial court, properly making credibility determinations and drawing inferences from the evidence, did not err when it found that the car was stolen and defendant knew it to be stolen.

Defendant also argues that there was no evidence that the value of the stolen car exceeded $100, one of the elements of the crime. This argument is without merit. To the contrary, the owner of the stolen vehicle testified that, after its return to him, it was still worth $3,000 to $4,000, and this evidence was unrefuted.

Defendant also contends that there was insufficient evidence to find him guilty beyond a reasonable doubt of knowingly concealing or misrepresenting the identity of a motor vehicle with intent to deceive. Again, we disagree. We have already found sufficient evidence that supported the finding that defendant knew the car was stolen. Further, there was sufficient evidence to support a finding that the VIN plate was substituted with an intent to deceive and that the federal sticker was missing. There was also evidence that defendant was concerned that the true identity of the vehicle not be known, not only in legitimate inferences from the facts regarding the VIN plate and federal sticker, but in defendant's comments to police regarding how he obtained the vehicle, and to the party from whom he had bought the other vehicle on how he wanted that party

to testify. Again, defendant disparages the credibility of certain witnesses, but these determinations were for the trial court to make, and there was no clear error in the way it made them.

Finally, defendant argues that his conviction on these two counts placed him in double jeopardy. This question has been resolved by our decision in *People v Griffis*, 218 Mich App 95, 101; 553 NW2d 642 (1996), in which we held that conviction under the two statutes in question here does not violate constitutional protections against double jeopardy, noting that the elements of the two crimes "differ markedly, *having not a single element in common*" (emphasis in original). Further, the key question to consider in resolving double jeopardy questions is whether the two crimes involve violations of distinct social norms. *People v Oxendine*, 201 Mich App 372, 374; 506 NW2d 885 (1993). In this case, one of the statutes prohibits theft, and the other prohibits deceptive sales practices, two very distinct social norms. We find no violation of defendant's constitutional protection against double jeopardy under the facts of this case.

Affirmed.

/s/ Martin M. Doctoroff
/s/ William B. Murphy
/s/ Brian K. Zahra